

HOUSE OF REPRESENTATIVES—Tuesday, June 19, 1984

The House met at 12 o'clock noon.

The Reverend Earl Modean, First Lutheran Church, Clifton, NJ, offered the following prayer:

Dear Lord, as we open another session of this legislative body, we call upon Your eternal presence as we once again confront a variety of concerns for our great Nation. If we have failed to measure up to the standards of Your will, forgive us. Break through the various barriers that would limit Your love and expression among men. We come together at this moment in a spirit of thanksgiving. For our great Nation blessed with beauty, freedom, and peace, we give You thanks. For the rich resources we find in our people, in talent, intellect, dedication, and devotion, we give You thanks. May these same attributes found in this body be put to rich use this day and in the days ahead so that our Nation might not only flourish but lead others in the path of justice, righteousness, brotherhood, and peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2436. An act to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes; and

S. 2606. An act to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1985, and for other purposes.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

RESTORATION OF COASTWISE TRADING PRIVILEGES TO THE VESSEL "LA JOLIE"

The Clerk called the Senate bill (S. 1015) a bill to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

REQUEST FOR CHANGE OF HOUR OF MEETING ON WEDNESDAY, JUNE 27, 1984

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on June 26, 1984, it adjourn to meet at 11 a.m. on Wednesday, June 27.

Mr. THOMAS of California. Reserving the right to object, has the minority side been informed, has the minority leader been informed of this date change and has the leadership on this side understood and accepted the date change, I would ask the majority whip?

Mr. FOLEY. If the gentleman will yield, this is done to accommodate the meeting of the Democratic Caucus. And as we usually do with respect to Republican conferences, each side has been granting comity on these arrangements.

Mr. THOMAS of California. Would it be amenable to the majority whip if, since this is several days off in terms of the need to make a decision, that we could consult with the minority leadership and get back to the distinguished majority whip as soon as possible?

Mr. FOLEY. Mr. Speaker, I withdraw my second request.

The SPEAKER. The gentleman withdraws his request.

SOMETHING FISHY GOING ON

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, a few months ago this Chamber passed the Small Business Administration authorization bill. Adopted unanimously

during the consideration of it was an amendment that declared the El Nino phenomenon (the unusual warming of Pacific coast ocean waters) a natural disaster and allowed west coast fishermen to become eligible for Federal disaster relief. The administration, however, has stated opposition to this provision and the House-Senate conference on the SBA bill is deadlocked over it.

It came as quite a shock, Mr. Speaker, to hear on Friday's CBS Evening News that while the administration will not help our own fishermen, they have sent \$185 million to South American countries for disaster relief due to the severe economic impact El Nino has had on their fishing industry.

The National Marine Fisheries Service has attributed the sharp decline of west coast fisheries to El Nino. Still, the SBA has denied relief on the grounds that El Nino does not constitute a physical disaster. Obviously, such a ruling does not apply to South American fishermen.

AMNESTY PROVISIONS IN IMMIGRATION REFORM

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, in just a few moments we will continue the debate on the Simpson-Mazzoli immigration bill and I would just like to make a comment as to why I oppose the amnesty provision.

I recognize that we are a nation of immigrants and our culture and history is rich with diversity and strengths from these immigrants. But I feel that we are not a lawless nation, and in fact, I think that is why many people come to this country, because of our laws and our heritage and our traditions of abiding by laws.

I think to grant amnesty in the same bill in which we are trying to control our borders is a mistake and would be sending the wrong signal. So I am asking my colleagues to join with me in opposing amnesty provisions at this time.

I recognize that we will have to do something about those who live here, but first let us try to get our borders under control and let people know what the law is before we proceed with any action like this.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

TWO SCHOOLS IN COBB COUNTY, GA., RECEIVE AWARDS FOR EXCELLENCE

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, last week, the Department of Education announced the winners of its Secondary School Recognition Program. From over 16,000 secondary schools across the Nation, 202 were selected to receive this award. Two of those schools, Luke Garrett Middle School and George Walton High School, are located in the Seventh District of Georgia. These were selected based on criteria such as student performance, outstanding teachers, school community relations, discipline, and emphasis on academics.

Luke Garrett Middle School has been recognized for outstanding art, physical education, and special education programs, but its effectiveness in educating children does not end with these areas. For example, extended home base activities are directed toward skills and areas that need additional emphasis or reinforcement for all students. Individuals who are lacking in specific academic, behavioral, or social skills are assisted by the student support team composed of administrators, counselors and teachers. The team organizational pattern is the basis for success in this Austell school, as academic, special education, physical education, and unified arts teachers use common planning times to aid in communication and implementation of concepts that maximize student performance. Communication is enhanced by this arrangement, and efforts such as interschool and intra-school visits are continually being made to increase teacher awareness of the forces affecting their students. This awareness is most vividly displayed in the staff's willingness to address the problems of a special population—students from divorced and single-parent families which number 30 percent.

George F. Walton High School possesses some impressive statistics to accompany its massive enrollment of 2,054 students. This Cobb County school consistently scores well above State, regional, and national averages on the SAT and annually places 85-90 percent of its students in institutions of higher learning. A fully functioning individual advisement program, combined with quality use of instructional time and sensitivity to critical points in the school calendar—such as dead week, a period preceding final exams when school-related activities are severely limited—have contributed to the development of this East Marietta school as a statewide leader at the high school level.

Cobb County and the Seventh District of Georgia are extremely proud of these outstanding schools. At a time when improvement in our educational system is being stressed, these schools serve as an example of excellence in education. I want to commend Garrett Middle School, its 836 students and principal, Larry Cooper. I also want to commend the 2,054 students of Walton High School and principal, Kelly Henson. They, and Cobb County School superintendent, Dr. Thomas Tocco, deserve congratulations for a job well done.

FUNDING FOOD-FOR-PEACE

(Mr. DORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN. Mr. Speaker—

Every minute of every day, more than \$1.3 million are channeled to military purposes, while during that minute, 30 children in the poor countries die, mostly from starvation and malnutrition.

Those alarming figures from the Director-General of the U.N.'s Food and Agricultural Organization should alert us in Congress to the need to get our priorities straight. In my view, it's time to stop holding food aid for starving Africans hostage to military aid for Contra guerrillas in Central America. But that is precisely what the administration is asking the other body to do.

Right now, Africa faces the prospect of continental famine, which already threatens some 150 million people in at least 24 nations. The FAO warned last month that the situation could become even worse—especially in urban areas—unless donor nations respond quickly and generously with both food and nonfood aid.

Around the world, we have yet to reach the Presidential Commission on World Hunger's interim goals for eliminating the worst aspects of hunger by the year 2000. Every year, 500 million people still go to bed malnourished and hungry, even though we have made important strides in reducing infant mortality.

We have at our disposal the peaceful tools to build a better world: abundant food stocks, farming know-how, and proven health techniques. It's these American gifts that we should share with the developing world, not more guns, tanks, and ammo.

Overwhelming evidence shows that Food-for-Peace Programs have a lasting positive effect in reducing chronic hunger. CARE's "food for work" and maternal and child feeding programs have not only raised nutritional levels, but increased local employment in Asia and Africa—to cite just one example of Food-for-Peace in action.

Food-for-Peace not only fights famine, it also builds bridges to other nations and strengthens our own economy. These benefits come with minimal impact on the budget, since increased farm trade and income generate a better trade balance and return flows to the Treasury.

To meet anticipated food aid needs and to avoid further food aid shortfalls, it seems prudent to me to increase the fiscal year 1985 title II program by a substantial amount. Taking such action will ensure that people don't starve today while we promise food for the future.

□ 1210

JAMES H. ROWE, JR.

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, I take this time to advise the House that one of the great figures in the Democratic Party over the past 40 years in Washington passed away over the weekend, the Honorable James H. Rowe, Jr. Jim Rowe was a man with probably more influence and corporate memory of what has happened in the Democratic Party since the advent of the Roosevelt administration.

Mr. Rowe came to Washington from Montana. He got a job as an attorney in the New Deal. In 1938 or 1939, he became one of President Roosevelt's top assistants in the White House, one of those White House aides whom F.D.R. said should have a "passion for anonymity." As a result, Jim and his associates were known as the "Passionate Anonyms."

I came to know Jim Rowe well in 1941 when I served as a staff member to Congressman Tom Eliot of Massachusetts. Jim left the White House to serve in the Navy in World War II and I renewed my acquaintance with him when I, too, came back from Navy duty. After the war, Jim joined a law firm with another great Roosevelt White House wunderkind, the late Thomas G. Corcoran, "Tommy the Cork."

Jim Rowe's deep knowledge of Government and Washington made him one of the city's most outstanding lawyers. But Jim Rowe remained an active Democrat. He worked closely with Speaker Rayburn when Mr. Rayburn chaired the National Democratic Convention. Similarly, Jim also worked closely as an adviser to Lyndon Johnson, both as the Senate floor leader, and later as President—since Jim Rowe and Lyndon Johnson came to Washington at almost the same time.

I have lost a great friend, and a great son of Harvard. We will miss his wise and sensible advice. Washington

has lost an outstanding public servant. The political legacy of Jim Rowe will be hard indeed for anyone else to match.

Funeral services will be held at the Washington Cathedral at 10:30 a.m. on Thursday.

AMERICAN YOUTH DENIED JOBS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, in refusing to pass the urgent supplemental appropriation bill, President Reagan has instructed his supporters in the U.S. Senate to deny summer jobs to more than 100,000 American youths for the simple reason, it is explained, that the President wishes for the funds to carry on the illegal war in Nicaragua to be included in that bill.

There is a simple undeniable and tragic message to the youth of America. Instead of teaching our youth how to work, the President is holding them and their hostage to force Congress to approve money to carry on an illegal war in Central America, which the people of the country oppose.

WHAT MEMORIAL DAY MEANS TO ME

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, this Nation recently celebrated Memorial Day, the day set aside for all Americans to honor those citizens who made the ultimate sacrifice in defense of basic human rights and the democratic ideals of the greatest Nation on Earth. Many moving speeches and statements were made regarding this special day, but of all that I heard and read, I was particularly impressed with the remarks of Miss Tiffany Drach. Tiffany is 7 years old and the daughter of Ron Drach, employment director for the Disabled American Veterans and an amputee as the result of service in Vietnam. I believe Tiffany's sensitivity and perception of the meaning of Memorial Day will be appreciated by all of my colleagues.

WHAT MEMORIAL DAY MEANS TO ME

(By Tiffany Drach)

Memorial Day means to salute the flag and be kind to our country and put flowers by graves because men died in the Vietnam war. We hope our country will be free for the rest of our lives and the men can rest in peace. Some children don't have fathers because of the Vietnam war. Nobody likes wars.

Some men did not die. Some men just got hurt. Everybody has to die. Some people die when they are old, some die when they are young. Several months ago on the news a

boy died when he was 18 years old (Marine killed in Beirut).

And that is what Memorial Day is all about. There are a lot more things about it, but that is all I wrote.

NEW YORK TIMES ARTICLE SUBJECT TO QUESTION

(Mr. SAM B. HALL, JR., asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM B. HALL, JR. Mr. Speaker, today, in the New York Times, under the byline of one David Burnham, much is said about the work identification system amendment which passed the House this past week.

He says he has been told that the Hall amendment would cost \$1.5 billion within 5 years.

There is absolutely no evidence that that is a true statement. There are statements in this article that I do not think can be borne out by the facts. I would urge those who read the New York Times to read this article with reservation.

PRESIDENT DEMONSTRATES UNFAIRNESS

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, President Reagan still refuses to allow passage of the urgent supplemental unless it includes the \$21 million for his secret war in Nicaragua. By holding up this bill the President is offering new proof of his unfairness and especially his unfairness to those Americans who are young, poor, or female.

First, he is denying summer jobs to 100,000 young people.

Second, he is endangering the Federal nutrition program for women and infant children. Three million people are on the WIC feeding program, Mr. Speaker. Without an urgent supplemental that program will be out of funds on July 10.

We Democrats have a message for President Reagan: School is out. It is time to put American's young people back to work. It is time to assure American mothers and children that the WIC program and other nutrition programs are not going to be shut down.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5835

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that my name be removed from H.R. 5835. When I signed on as a cosponsor of this measure, I thought this was armor-piercing ammunition legislation sponsored by Congressman Jack Brooks, and while it is similar, I have since found out this is not the case.

I am a cosponsor of H.R. 5845—armor-piercing ammunition legisla-

tion—which was introduced by Congressman Brooks of Texas on June 14, 1985. This is the bill that has been endorsed by every major law enforcement organization in the United States as well as by the administration and the National Rifle Association.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COMMEMORATING 10TH ANNI- VERSARY OF INTRODUCTION OF HAWKINS-HUMPHREY FULL EMPLOYMENT BILL

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, few people may remember 10 years ago today, June 19, 1974. However, it was on that day that our esteemed colleague, Representative AUGUSTUS HAWKINS of the 29th District of California, on behalf of himself and the 16 other members of the Congressional Black Caucus, introduced the Equal Opportunity and Full Employment Act of 1974. This historic measure led 4 years later to the enactment of the Hawkins-Humphrey Full Employment and Balanced Growth Act of 1978.

The introduction of this initiative by Gus HAWKINS was a historic step in the ongoing fight against those who oppose minimum wages and decent wages, those who oppose the right to organize for better working conditions and a safer workplace, and those who oppose the opportunity for each member of our society to earn a decent living needed to sustain a part of the American dream.

Today, 10 years later, Gus HAWKINS is still leading this struggle. He is at the forefront against substandard wages, against substandard education, against discrimination in employment, against the forces blocking the right to a decent wage. He is at the forefront not only in the struggle for a decent living but also for community renewal, for effective training and good education, and for all the measures needed to expand the mass purchasing power needed for a full recovery.

Mr. Speaker, let us ask ourselves how we can show in our lives, just a fraction of the high resolve of commonsense, creative energy, and dedication that Gus HAWKINS demonstrates every day in the House, in this Congress, and in this Nation during these trying times.

SUMMER JOBS FUNDS HELD HOSTAGE

(Mr. DIXON asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. DIXON. Mr. Speaker, Ronald Reagan has told 100,000 young people that they better take less or get nothing. I say this for two reasons:

First, the President's response to record youth joblessness is to subvert the minimum wage and pay those under 19 \$2.50 an hour instead of the present \$3.35 an hour.

Unfortunately, this solution only displaces the mothers and fathers of these disadvantaged young people by employers seeking to take advantage of this so-called opportunity wage.

Second, Senator HOWARD BAKER, taking his cues from the Reagan White House, announced last week that the Republicans would not agree to separate \$100 million for summer youth jobs from the supplemental appropriations measure which is tied up in a dispute over funding Nicaraguan guerrillas.

Unless he changes this position, some 100,000 teenagers will not get a summer job because Ronald Reagan cares more about funding illegal activities against the Government of Nicaragua than he cares about giving a real chance to disadvantaged teenagers.

I hope that the majority leader of the other body will rethink his position on this matter so that Congress can act to release these summer job funds prior to our July recess.

□ 1220

CLOSE UP FOUNDATION

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, one of the most interesting aspects of the Close Up Foundation is its program for students from different countries of the world and the American territories.

Earlier this spring, students from Spain, Colombia, Mexico, Japan, Egypt, Switzerland, and American Samoa participated in a specially designed 2-week Close Up Program.

Their experience began as a regular Close Up week as they, along with students from South Carolina, crisscrossed Washington for an intensive series of seminars and meetings on the Hill. From here, the international students departed for Williamsburg and then went to New York City to investigate the roots and future of democracy.

Participants are American citizens now living abroad, as well as students native to those lands. Fellowships for this program are provided solely by R.J. Reynolds Industries, Inc. I am happy to report that participation in the 1984 Close Up International Pro-

gram nearly doubled that of the previous year.

Here in Washington, we can debate international relations in an attempt to secure a lasting peace. The Close Up Foundation and R.J. Reynolds Industries are providing more than simple talk. They are providing young people with the opportunity to meet and experience the American system of government firsthand.

Under the leadership of its chairman, J. Tylee Wilson, R.J. Reynolds Industries, Inc., is helping to promote greater international understanding through its support of this program.

INTERNATIONAL GAMES FOR THE DISABLED

(Mr. MRAZEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MRAZEK. Mr. Speaker, the attention of many American sports fans was focused last weekend on the likes of Carl Lewis, Edwin Moses, and Fuzzy Zoeller, and with good reason. These are men of the finest athletic capabilities who were performing at the peak of their powers.

But I'm happy to report, Mr. Speaker, that the sports pages of this country also will give space during the next 2 weeks to an inspiring and incredibly talented collection of men and women from the world over who have gathered in Nassau County, Long Island. More than 1,800 disabled athletes from more than 50 nations are competing there in the International Games for the Disabled, and it's safe to say that the state of disabled athletic competition in this country may never be the same.

The games are, plain and simply, a triumph of the human spirit over the terrible challenges that life can hand out. Some will win at the games, more will not. However, the games will produce no losers.

Mr. Speaker, the International Games for the Disabled can show those who sometimes place victory above all else that the spirit of the games is more important than medal totals. Disabled athletes can perform amazing feats, and they have earned the spotlight every bit as much as Mary Decker or Michael Jordan. Further, the games will raise the awareness of our Nation and the world to the rights of the handicapped and the disabled.

I'd like to close my remarks by congratulating the Long Islanders who have worked so hard to make the games a success. Nassau County is carrying our Nation's banner this week, and the organizers and volunteers who are making the games run are doing so with class and spirit. In every way, the International Games for the Disabled reflect well upon our Nation, and show

our country to the world in the best possible light.

SPEAKER'S ADVISORY COMMITTEE ON BROADCASTING

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute and to verify his remarks.)

Mr. THOMAS of California. Mr. Speaker, an open letter to Republican Leader BOB MICHEL:

DEAR BOB: Thank you for offering my name to Speaker O'Neill as the Republican appointment to the Speaker's Advisory Committee on Broadcasting in your letter dated March 12, 1981.

In your letter notifying me on the same date you said: "I hope you will find your service on this committee worthwhile." Bob, what can I say—

I have never been notified of a meeting of the Speaker's Advisory Committee on Broadcasting, not in 81, or 82, or 83 or so far in 1984.

As you know major policy decisions have been made recently changing House television broadcasting. I found out about them when you and the world found out about them—When they happened!

Bob, thanks again for the nomination to the Speaker's Advisory Committee on Broadcasting Back on March 12, 1981.

But Bob—do you know if there is a requirement that a person be reelected to the House twice after being nominated to serve on this Committee, or is once enough?

Warm regards and still waiting to serve,

BILL THOMAS.

DANIEL ORTEGA VISITS MOSCOW

(Mr. COLEMAN of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Missouri. Mr. Speaker, this morning's Washington Post carried a 1-inch article hidden away on the bottom of page 10. The headline, if you can call one-eighth of 1 inch letters headlines, stated: "Chernenko Sees Nicaraguan." Who was this masked Nicaraguan visiting Moscow? It was none other than Dear Comandante Daniel Ortega. What was Comandante Ortega doing in Moscow? Well, as usual, Soviet secrecy precludes us from knowing; but I'll bet it was not to visit the ballet.

And while Comandante Ortega is in Moscow, what is happening in Central America? Well, those same leftist guerrillas in El Salvador that Ortega's Sandinistas support have just announced that they are going to destroy this year's entire cotton crop in El Salvador. They have also thrown in threats to sabotage Salvadoran coffee plants and sugar mills. These are the staples, the basic foodstuffs and export crops of the Salvadoran peasants, the very people Comandante Ortega claims he wants to liberate. I

am sure this crop destruction will help the peasants.

MORE AMERICANS WORKING UNDER REAGAN ADMINISTRATION

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, it occurred to me this morning that we have not spoken on the unemployment rate for a long time, and I was somewhat surprised when I looked at the most recent figures which show that in 1984 we have 105 million Americans working as opposed to some 98 million in 1980.

We talked about unemployment a great deal when it was up, and I remember speeches were made every day by Members on the other side of the aisle when in fact the unemployment rate was very high. Now that it is down, Mr. Speaker, I would hope that my Democrat friends would share the joy of the American people in receiving the good news that 7 million more Americans are working under the Reagan administration than under the Carter administration.

INTERSTATE HIGH-SPEED INTERCITY RAIL PASSENGER NETWORK COMPACT

Mr. SAM B. HALL, JR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4308) granting the consent of the Congress to an interstate compact for the preparation of a feasibility study for the development of a system of high-speed intercity rail passenger service.

The Clerk read as follows:

H.R. 4308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the Interstate High Speed Intercity Rail Passenger Network Compact as participated in by the States of Illinois, Indiana, Michigan, Ohio, and Pennsylvania, which States have enacted such compact into law, and any other State which subsequently becomes a participant through enactment of the compact. Such compact is substantially as follows:

"INTERSTATE HIGH SPEED INTERCITY RAIL PASSENGER NETWORK COMPACT

"ARTICLE I—POLICY AND PURPOSE

"Because the beneficial service of and profitability of a high speed intercity rail passenger system would be enhanced by establishing such a system which would operate across state lines, it is the policy of the states party to this compact to cooperate and share jointly the administrative and financial responsibilities of preparing a feasibility study concerning the operation of such a system connecting major cities in Ohio, Indiana, Michigan, Pennsylvania, Illinois, West Virginia, and Kentucky.

"ARTICLE II—COOPERATION

"The states of Ohio, Indiana, Michigan, Pennsylvania, Illinois, West Virginia, and Kentucky, hereinafter referred to as participating states, agree to, upon adoption of this compact by the respective states, jointly conduct and participate in a high speed intercity rail passenger feasibility study by providing such information and data as is available and may be requested by a participating state or any consulting firms representing a participating state or the compact. It is mutually understood by the participating states that such information shall not include matters not of public record or of a nature considered to be privileged and confidential unless the state providing such information agrees to waive the confidentiality.

"The participating states further agree to: "(a) Make available to each other and to any consulting firm representing the member states or the compact such assistance as may be legal, proper and available, including but not limited to personnel, equipment, office space, machinery, computers, engineering and technical advice and services; and

"(b) Provide such financial assistance for the implementation of the feasibility study as may be legal, proper and available.

"ARTICLE III—INTERSTATE RAIL PASSENGER ADVISORY COUNCIL

"There is hereby created an interstate rail passenger advisory council, the membership of which shall consist of two representatives from each participating state. The members shall select designees who shall serve in the absence of the members. The advisory council shall meet within thirty days after ratification of this agreement by at least two participating states and establish rules for the conduct of the advisory council's business.

"The advisory council shall coordinate all aspects of the high speed intercity rail passenger feasibility study relative to interstate connections and shall do all other things necessary and proper for the completion of the feasibility study.

"ARTICLE IV—EFFECTIVE DATE

"This compact shall become effective upon the adoption of the compact into law by two or more of the participating states. Thereafter, it shall enter into force and effect as to any other participating state upon the enactment thereof by such state.

"This compact shall continue in force with respect to a participating state and remain binding upon such state until six months after such state has given notice to each other participating state of the repeal thereof. Such withdrawal shall not be construed to relieve any participating state from any obligation incurred prior to the end of the state's participation in the compact as provided herein.

"ARTICLE V—CONSTRUCTION AND SEVERABILITY

"This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any participating state, the com-

pact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters."

SEC. 2. The two members from each State on the advisory council created under article III of the compact shall be selected in accordance with such State's enacting legislation.

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. SAM B. HALL, JR.] will be recognized for 20 minutes and the gentleman from Ohio [Mr. KINDNESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SAM B. HALL, JR.].

Mr. SAM B. HALL JR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4308 would grant the consent of Congress to an interstate compact for the preparation of a State-funded feasibility study for the development of a system of high-speed intercity rail passenger service.

The States of Illinois, Indiana, Michigan, Ohio, and Pennsylvania have entered into this interstate compact for the preparation of a feasibility study for the development of a high-speed intercity rail passenger service, connecting major cities in the participating States. West Virginia and Kentucky are eligible to be participating States. However, their legislatures have not yet enacted the compact.

The compact provides for the creation of an Interstate Rail Passenger Advisory Council to coordinate the feasibility study. Each participating State selects two representatives to serve on the council. The States have agreed to fully cooperate in sharing information, data, and other responsibilities, and the compact is to be liberally construed so as to effectuate its purpose.

Upon enactment, the bill H.R. 4308, provides the consent of Congress necessary to bring the compact into effect. The compact itself requires the agreement of two or more of the participating States in order to bring it into force. This has already been accomplished since, as stated above, five of the seven designated participating States have enacted substantially similar laws. The General Assembly of Ohio enacted amended house bill 168 on May 3, 1979, with an effective date of August 28, 1979. On December 21, 1979, the Legislature of Michigan approved senate bill No. 469. The General Assembly of the Commonwealth of Pennsylvania adopted the compact, house bill 2231, on June 22, 1980. On September 19, 1980, Illinois enacted the compact through Public Act 81-1504. Finally, the State of Indiana joined in the agreement, Public Law 107, on April 27, 1981.

The Subcommittee on Administrative Law and Governmental Relations held a hearing on this bill April 11, 1984. Testimony was received from various parties, including the Chairman of the High Speed Rail Commission. There was no opposition to the bill expressed during any phase of committee consideration.

The Department of Transportation, as the Federal agency responsible for Federal transportation policy, expressed no objection to the bill. In its letter to the committee, the Department expressed its willingness to assist in considering the feasibility of high-speed rail passenger service. However, the Department of Transportation stated that it considers the Federal funding of the development of high-speed passenger service itself to be inappropriate. As I have noted, this compact merely provides for a feasibility study, and article II of the compact requires the participating States to agree to provide the financial assistance to implement the feasibility study.

The Committee on the Judiciary recommends that the bill be considered favorably.

□ 1230

Mr. KINDNESS. Mr. Speaker, I would like to urge my colleagues to consider that the explanation of the bill that has been presented by the gentleman from Texas [Mr. SAM B. HALL, JR.], the chairman of the Subcommittee on Administrative Law and Governmental Relations, is an excellent summary of the content of the bill, its meaning, and its purpose, and its functioning. I would urge the passage of the bill, but would first, Mr. Speaker, yield such time as he may consume to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 4308, the high-speed rail bill, and urge my colleagues to look favorably on the measure.

This bill would grant congressional approval of the high-speed rail passenger compact as required by law. Congress set a precedent in this area when in 1982 it passed public law 97-213 enabling Louisiana and Mississippi to form a rapid rail transit commission.

H.R. 4308 would extend the same privileges to five Midwest States: Michigan, Illinois, Indiana, Ohio, and Pennsylvania, and would permit a feasibility study of a high-speed rail system connecting them.

As everyone knows, the recent recession had a devastating effect on the Midwest. However, a high-speed rail system could bring added jobs and tourist dollars to these ailing States.

According to a study done by Michigan State University, the high-speed system could add 68,000 construction

jobs and stimulate the economy enough to add 12,000 to 13,000 new jobs.

Furthermore, the study estimates that tourist trade in Michigan, Illinois, and Indiana would increase by \$13 million.

Chairman of the compact and former deputy director of the Michigan Department of Transportation James Kellogg believes that the high-speed rail is a key to changing people's grim attitude about the future economy. Kellogg is convinced that the high-speed rail will improve the economy in the Midwest and stimulate the job industry.

I believe that passing H.R. 4308 is vital to getting the high-speed rail system started in the United States. America is one of the few industrialized countries that does not have some type of high-speed rail system. It is time we took action to catch up to other nations in the world.

Mr. SAM B. HALL, JR. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KOLTER] the prime sponsor of this bill. I would like to state that Mr. KOLTER has done yeoman work in working with the committee on this bill. He is very dedicated to this bill, and supports it 100 percent.

Again, I yield such time as he may consume to the gentleman.

Mr. KOLTER. I thank the gentleman for yielding to me.

Mr. Speaker, I stand before you today—very pleased and very proud—that one of my first pieces of legislation as a freshman Congressman, H.R. 4308, is, under consideration.

I would like to commend my colleagues, on both sides of the aisle, for their discerning vision and support, of this legislation that could, quite conceivably, change the face of this Nation, for decades to come.

There are so many people I would like to take time to thank. I would like to really take time to thank the chairman of the Subcommittee of Administrative Law and Governmental Relations, SAM B. HALL, JR., for his dedication and his support. I would like to thank the chairman of the Judiciary Committee, PETER RODINO, for his support.

Senator JOHN HEINZ, the Senator from Pennsylvania, gave me a lot of support. He came before the committee and testified on behalf of the bill. When I was a state legislator several years back, I worked very closely with Rick Geist, who is now chairman of the Interstate High Speed Rail Association of Pennsylvania.

I would like to thank the U.S. Department of Transportation general counsel, Jim Marquez for his support and his letters. Quite definitely, I must thank, take the liberty and take the time to thank the 5 Governors who wrote letters to their Congress-

men asking for their support: Gov. Dick Thornburg of Pennsylvania; Gov. Richard Celeste of Ohio; Gov. James Blanchard of Michigan; Gov. William Thompson of Illinois; and Gov. Robert Orr of Indiana.

Mr. Speaker, H.R. 4308, would lay the crucial groundwork for establishing a modern, high speed, passenger train line through the Nation's heartland. High speed rail promises not only to provide a safe, fast, and dependable means of transportation; but also, it would enable a revitalization of America's basic industries, while spurring a resurgence in the economy.

Intrinsically, this bill provides congressionally required Federal consent to an agreement between the States of Pennsylvania, Ohio, Indiana, Illinois, Michigan, Kentucky, and West Virginia, to jointly fund and perform feasibility studies on a new system to connect cities in those States.

To date, I am honored to report that there has been absolutely no opposition to the bill which is cosponsored by 65 Members of both political parties. In fact, at this moment, companion legislation sponsored by Senator JOHN HEINZ of Pennsylvania, is making its way through the Senate. S. 2564 has met with considerable support in the Senate.

Although the concept of high-speed rail brings to mind images of incredible speeds—the creation and implementation of legislation to achieve that end is not as fast in comparison. This program to improve transportation and industry in our region is, of course, a long-term project. It is only in the embryo stage. Like many other ideas, it has been discussed for years, but the time has come for movement.

The Japanese, Germans, and the French, have had enormous success with high-speed rail in their countries. The Japanese, even during the lowest period of traffic for their line still posted a profit of \$1.37 billion in 1979 alone. Clearly, my colleagues, this is no "white elephant."

Of course, I am sure that one of the major factors that will please many of my colleagues is that no Federal moneys are involved in this bill. While there may be some among you who may have reservations about the evolution of a Federal program of this nature, allow me to reassure you that this is merely a State-sponsored program, which is seeking Federal recognition.

The agreement is for the participating States to share administrative responsibilities for a feasibility study of service to cities in the States, including personnel, equipment, office space, machinery, computers, engineering, and technical advice and services. It also sets up an advisory council of two representatives from each State.

I would ask that each Member here today, reach within himself and pull out the admirable pioneering spirit of our forefathers. I realize that this compact in particular deals only with the States mentioned previously, however, how many of you can recall the dream of the "Trans-Continental Railroad" and the "Golden Spike?" I submit the fact that history can indeed repeat itself.

As I stand before you today, business people, bankers, lay-people, academicians, lawyers, politicians and others from all walks of life have concerned themselves with the success of high-speed rail in America. So much so, that they have formed an international organization termed "the High-Speed Rail Association." The States of California, Nevada, New Mexico, Texas, Mississippi, Louisiana, Alabama, Florida, Wisconsin, Missouri, and Massachusetts are all currently exploring the possibility of high-speed rail in their respective regions.

Without question, high-speed rail has the potential to spark a major upturn in the economies of all the States involved. Jobs will be created in areas such as steel, aluminium, specialized metals, high tech industries, as well as the positions that will be made available in a high-speed rail system.

The United States is one of the few industrialized countries, that does not have some type of high-speed rail service. I believe that a high-speed rail system would provide the necessary inducements that we need: speed, safety, comfort, and dependability in order to prompt more people to travel by rail.

But—until a foundation is laid through the existence of a feasibility study which will measure the efficacy of such a system, this dream of high-speed rail will remain just that—a dream.

That is why I appear before you today, so that progress can be made and that we may all look toward a more promising future.

I ask all of my colleagues on both sides of the aisle to cast a vote for the future of America in this bipartisan effort and vote in favor of H.R. 4308, high-speed rail.

● Mr. ECKART. Mr. Speaker, as a cosponsor of the bill, I would like to urge my colleagues to vote for passage of H.R. 4308, a bill granting the consent of Congress to an interstate compact for the preparation of a feasibility study for the development of a system of high-speed intercity rail passenger service. The compact will be among the States of Ohio, Illinois, Michigan, Pennsylvania, and Indiana.

The high-speed rail compact began as a result of Ohio's initiatives in exploring high-speed rail technology. Ohio was also the first State to become a member of the compact by passing State legislation in the spring of 1979.

The high-speed rail compact is another example of how the Great Lakes region has worked together in an attempt to overcome a dying industrial base and massive unemployment. A high-tech, high-speed rail system connecting each of the State corridors into a new transportation system is of vital importance to any reindustrialization strategy. In my State of Ohio, Governor Celeste appointed a 15-member high-speed rail task force comprised of nine leading Ohio citizens from business, labor, and higher education as well as three legislative appointments from both the Ohio House of Representatives and the Ohio Senate. Their task will be to determine the potential for participation by Ohio-based industries in the development of an advanced surface transportation system for Ohio, report their findings to the Governor, and investigate all possible sources of financing for construction and implementation.

H.R. 4308 provides the necessary congressional approval for development of a high-speed rail service to expedite the movement of goods and people to promote the economic development in the Great Lakes region.●

● Mr. REID. Mr. Speaker, I would like to express my support for H.R. 4308, a bill granting the consent of the Congress to an interstate compact for the preparation of a feasibility study for the development of a system of high-speed intercity rail passenger service.

There are currently two countries—Japan and West Germany—currently developing Maglev technology. My personal interest in this legislation, introduced by my colleague, JOE KOLTER, stems from efforts by the city of Las Vegas to implement a super-speed train to move passengers from southern California to Las Vegas.

In January 1983, the Los Angeles/Las Vegas high-speed super-speed train feasibility study performed by the Budd Co. and Bechtel Engineering was concluded. The results indicate that a Maglev train—powered by electromagnetic levitation—is both feasible and capable of operating at a profit. In fact, the Maglev train would attract 3.5 million passengers per year to Las Vegas adding over 170 million new dollars to our economy. Construction on the Maglev train could begin in 1986 and be in full operation by 1991. The project, which will create some 50,000 jobs, would move passengers from southern California to Las Vegas in about 70 minutes. The round trip fare for the 230-mile trip is projected at \$65 in 1982 dollars.

In addition, a recent Office of Technology Assessment report, "U.S. Passenger Rail Technologies" listed the benefits of Maglev technology. The OTA report listed the benefits of Maglev technology as "the most promising means to avoid many of the costs

and problems associated with wheel-on-rail technology and, at the same time, to provide a smoother ride and much higher top speed than conventional rail could ever achieve."

For these reasons, I believe that H.R. 4308 deserves our support. Thank you.●

● Mr. WALGREN. Mr. Speaker, I want to express my support for the Midwest Rail Service Compact. H.R. 4308, introduced by Congressman JOE KOLTER and Senator JOHN HEINZ, both of Pennsylvania. This bill would provide the congressional approval required under our Constitution before States may join together in compacts among themselves. In this case Pennsylvania, Illinois, Indiana, Michigan, and Ohio have agreed to study the feasibility of developing high-speed rail service connecting major cities in their five-State region.

High-speed rail has proved successful in other countries, particularly in Japan and Europe. To be able to travel from city to city by rail in approximately the same time as it would take by air would open up great travel opportunities for many Americans.

H.R. 4308 also has important potential for economic growth. Not only could high-speed rail ultimately create jobs, but it could be a valuable asset to our transportation industry and economy. It could be a great stimulus to sluggish economies like that in western Pennsylvania. The five States involved are the "heartland" of America, with a wide range of industries which would benefit from regional transportation. These five States form an area perfectly suited for such a project.

Intercity high-speed rail could be an important link in a mixed and balanced transportation system and a boon to travel and commerce of western Pennsylvania. I hope the Senate also will act promptly on this bill.●

□ 1240

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Texas [Mr. SAM B. HALL, JR.] has 9 minutes remaining.

Mr. SAM B. HALL, JR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KINDNESS. Mr. Speaker, I am still in favor of the bill, but before we hear more about it, I believe I had better yield back the balance of my time, too.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SAM B. HALL, JR.] that the House suspend the rules and pass the bill, H.R. 4308.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SENSE OF CONGRESS RE NON-DELIVERY OF INTERNATIONAL MAIL IN THE SOVIET UNION

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 294.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 294, on which the yeas and nays are ordered, and on which further proceedings were postponed on Monday, June 18, 1984.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 30, as follows:

[Roll No. 244]

YEAS—403

Ackerman	Brown (CO)	Dicks
Addabbo	Broyhill	Dingell
Akaka	Bryant	Dixon
Albosta	Burton (CA)	Dorgan
Alexander	Burton (IN)	Downey
Anderson	Byron	Dreier
Andrews (NC)	Campbell	Duncan
Andrews (TX)	Carney	Durbin
Annuzio	Carper	Dwyer
Anthony	Carr	Dyson
Applegate	Chandler	Early
Archer	Chappell	Eckart
Aspin	Chappie	Edgar
AuCoin	Cheney	Edwards (AL)
Badham	Clarke	Edwards (CA)
Barnard	Clay	Edwards (OK)
Barnes	Clinger	Emerson
Bartlett	Coats	English
Bateman	Coelho	Erdreich
Bedell	Coleman (MO)	Evans (IA)
Beilenson	Coleman (TX)	Evans (IL)
Bennett	Collins	Fascell
Bereuter	Conable	Fazio
Berman	Conte	Feighan
Bevill	Cooper	Ferraro
Bilirakis	Courter	Fiedler
Bliley	Coyne	Fish
Boehlert	Craig	Flippo
Boland	Crane, Daniel	Florio
Boner	Crane, Philip	Foglietta
Bonior	Daniel	Foley
Bonker	Dannemeyer	Ford (MI)
Borski	Darden	Ford (TN)
Bosco	Daschle	Fowler
Boucher	Daub	Frank
Boxer	Davis	Franklin
Breaux	de la Garza	Frenzel
Britt	Dellums	Frost
Brooks	Derrick	Fuqua
Broomfield	DeWine	Garcia
Brown (CA)	Dickinson	Gaydos

Gedjenson	Madigan	Maybal
Gekas	Marlenee	Rudd
Gephardt	Marriott	Russo
Gibbons	Martin (IL)	Sabo
Gilman	Martin (NC)	Savage
Gingrich	Martin (NY)	Sawyer
Glickman	Martinez	Schaefer
Gonzalez	Matsui	Scheuer
Goodling	Mazzoli	Schneider
Gore	McCain	Schroeder
Gradison	McCandless	Schulze
Gramm	McCloskey	Schumer
Gray	McCollum	Seiberling
Green	McCurdy	Shannon
Gregg	McDade	Sharp
Gunderson	McEwen	Shaw
Hall (OH)	McGrath	Shelby
Hall, Ralph	McHugh	Shumway
Hall, Sam	McKernan	Shuster
Hamilton	McKinney	Sikorski
Hammerschmidt	McNulty	Siljander
Hance	Mica	Simon
Hansen (UT)	Michel	Sisisky
Harkin	Mikulski	Skeen
Harrison	Miller (CA)	Skelton
Hartnett	Miller (OH)	Slattery
Hatcher	Mineta	Smith (FL)
Hawkins	Minish	Smith (IA)
Hayes	Mitchell	Smith (NE)
Hefner	Moakley	Smith (NJ)
Heftel	Molinari	Smith, Denny
Hertel	Mollohan	Smith, Robert
Hightower	Montgomery	Snowe
Hiler	Moody	Snyder
Holt	Moore	Solarz
Hopkins	Moorhead	Solomon
Horton	Morrison (CT)	Spence
Howard	Morrison (WA)	Spratt
Hoyer	Mrazek	Staggers
Hubbard	Murphy	Stangeland
Huckaby	Murtha	Stark
Hughes	Myers	Stenholm
Hunter	Natcher	Stokes
Hutto	Neal	Stratton
Hyde	Nelson	Studds
Ireland	Nichols	Stump
Jacobs	Nielson	Sundquist
Jeffords	Nowak	Swift
Jenkins	O'Brien	Synar
Johnson	Oakar	Tauke
Jones (NC)	Oberstar	Tauzin
Jones (OK)	Obey	Taylor
Kaptur	Olin	Thomas (CA)
Kasich	Ortiz	Thomas (GA)
Kastenmeier	Ottlinger	Torres
Kazen	Owens	Torricelli
Kemp	Oxley	Traxler
Kennelly	Packard	Udall
Kildee	Panetta	Valentine
Kindness	Parris	Vandergriff
Klecza	Pashayan	Vento
Kogovsek	Patman	Volkmer
Kolter	Patterson	Vucanovich
Kostmayer	Paul	Walgren
Kramer	Pease	Walker
LaFalce	Penny	Watkins
Lagomarsino	Pepper	Waxman
Lantos	Perkins	Weaver
Latta	Petri	Weber
Leach	Pickle	Weiss
Leath	Porter	Wheat
Lehman (CA)	Price	Whitehurst
Lehman (FL)	Pritchard	Whitley
Leland	Pursell	Whittaker
Lent	Quillen	Whitten
Levin	Rahall	Williams (OH)
Levine	Rangel	Wilson
Levitas	Ratchford	Winn
Lewis (CA)	Ray	Wirth
Lewis (FL)	Regula	Wise
Lipinski	Reid	Wolf
Lloyd	Richardson	Wolpe
Loeffler	Ridge	Wortley
Long (LA)	Rinaldo	Wright
Long (MD)	Ritter	Wyden
Lott	Roberts	Wyllie
Lowery (CA)	Robinson	Yates
Lowry (WA)	Rodino	Yatron
Lujan	Roe	Young (AK)
Lukens	Rogers	Young (FL)
Lundine	Rose	Young (MO)
Lungrén	Rostenkowski	Zschau
Mack	Roukema	
MacKay	Rowland	

NOT VOTING—30

Bates	Dowdy	Markey
Bethune	Dymally	Mavroules
Biaggi	Erlenborn	Roemer
Boggs	Fields	Roth
Conyers	Guarini	Sensenbrenner
Corcoran	Hall (IN)	St. Germain
Coughlin	Hansen (ID)	Tallon
Crockett	Hillis	Towns
D'Amours	Jones (TN)	Vander Jagt
Donnelly	Livingston	Williams (MT)

□ 1250

Mr. MCCAIN changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1300

GENERAL LEAVE

Mr. LELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 540, NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ACT OF 1984

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint an additional conferee on the Senate bill (S. 540) to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan? The Chair hears none and, without objection, appoints the following conferees: Mr. SHELBY.

There was no objection.

HOUR OF MEETING ON WEDNESDAY, JUNE 27, 1984

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns at the close of business on June 26, 1984, it adjourn to meet at 11 a.m. on Wednesday, June 27, 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

IMMIGRATION REFORM AND CONTROL ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 519 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1510.

□ 1305

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1510) to revise and reform the Immigration and Nationality Act, and for other purposes, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, June 15, 1984, the amendment in the nature of a substitute recommended by the Committee on the Judiciary was considered as an original bill for the purpose of amendment which is only subject to amendment by the amendments made in order pursuant to House Resolution 519. If more than one of the amendments numbered 46, 47, and 48 are adopted, only the last of these three shall be considered as having been finally adopted and reported back to the House.

AMENDMENT NO. 46 OFFERED BY MR. LUNGREN

The CHAIRMAN. Pursuant to the order of the House of June 14, amendment No. 46 is in order at this time.

Does the gentleman from California [Mr. LUNGREN] desire to offer amendment No. 46?

Mr. LUNGREN. I do, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 46 offered by Mr. LUNGREN: Page 90, line 9, strike out "1982" and insert in lieu thereof "1980".

Page 90, lines 23 and 25, and page 91, lines 2, 4, 6, and 8, strike out "1982" and insert in lieu thereof "1977".

Page 90, line 10, insert "TEMPORARY OR" before "PERMANENT".

Page 91, line 18, strike out "(b)(3)" and insert in lieu thereof "(c)(3)".

Page 92, after line 15, insert the following new subsection (and redesignate the succeeding subsections accordingly):

"(b)(1) The Attorney General may, in his discretion and under such regulations as he shall prescribe, adjust the status of an alien to that of an alien lawfully admitted for temporary residence if—

"(A) the alien has entered the United States, is physically present in the United States, and applies for such adjustment during the one-year period described in subsection (a)(1),

"(B)(i)(I) the alien (other than an alien who entered as a nonimmigrant) establishes that he entered the United States prior to January 1, 1980, and has resided continuously in the United States in an unlawful status since January 1, 1980, or

"(II) the alien entered the United States as a nonimmigrant before January 1, 1980, the alien's period of authorized stay as a nonimmigrant expired before January 1, 1980, through the passage of time or the alien's unlawful status was known to the Government as of January 1, 1980, and the alien has resided continuously in the United States in an unlawful status since January 1, 1980; and

"(III) in the case of an alien who at any time was a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof; or

"(ii) the alien—

"(I) has received an immigration designation as a Cuban/Haitian Entrant (Status Pending), or

"(II) is a national of Cuba or Haiti who arrived in the United States before January 1, 1982, and with respect to whom any record was established by the Immigration and Naturalization Service before January 1, 1982, and (unless the alien filed an application for asylum with the Service before January 1, 1982) was not admitted to the United States as a nonimmigrant; and

"(C) the alien—

"(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3),

"(ii) has not been convicted of any felony or of three or more misdemeanors committed in the United States,

"(iii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(iv) registers under the Military Selective Service Act, if the alien is required to be so registered under that Act.

Notwithstanding subparagraph (A), an alien who (at any time during the one-year period described in such subparagraph) is the subject of an order to show cause issued under section 242, must make application under such subparagraph not later than the end of the 30-day period beginning either on the first day of such one-year period or on the date of the issuance of such order, whichever day is later. For purposes of subparagraph (A), an alien described in subparagraph (B)(ii) shall be considered to have entered the United States.

"(2) During the period an alien is in the lawful temporary resident status granted under paragraph (1)—

"(A) the Attorney General shall permit the alien to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to adjust to lawful permanent resident status under paragraph (3), and

"(B) the Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an 'employment authorized' endorsement or other appropriate work permit.

"(3) The Attorney General, in his discretion and under such regulations as he may prescribe, may adjust the status of any alien provided lawful temporary resident status under paragraph (1) to that of an alien lawfully admitted for permanent residence if the alien—

"(A) applies for such adjustment during the six-month period beginning with the first day of the thirty-seventh month that begins after the date the alien was granted such temporary resident status;

"(B) establishes that he has continuously resided in the United States since the date the alien was granted such temporary resident status;

"(C)(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3),

"(ii) has not been convicted of any felony or three or more misdemeanors committed in the United States,

"(iii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(iv) has registered under the Military Selective Service Act, if the alien is required to be so registered under that Act; and

"(D) can demonstrate that he either (i) meets the requirement of paragraph (1) of section 312 (relating to minimal understanding of ordinary English), or (ii) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of English.

"(4) The Attorney General shall provide for termination of temporary resident status granted an alien under this subsection—

"(A) if the alien commits an act that (i) makes the alien inadmissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3), or (ii) is convicted of any felony or three or more misdemeanors committed in the United States, or

"(B) at the end of the forty-second month beginning after the date the alien is granted such status, unless the alien has filed an application for adjustment of such status pursuant to paragraph (3) and such application has not been denied.

Page 92, line 17, page 93, line 4, page 95, lines 12 and 21, and page 97, lines 23 and 24, insert "or (b)(1)" after "subsection (a)".

Page 93, beginning on line 21, strike out "subsection (a)(3)(A)" and insert in lieu thereof "subsections (a)(3)(A), (b)(1)(C)(i), (b)(3)(C)(i), and (b)(4)(A)(i)".

Page 95, line 20, insert "temporary or" before "permanent".

Page 98, in the matter following line 21, strike out "1982" and "permanent" and insert in lieu thereof "1980" and "temporary or permanent", respectively.

Page 101, beginning on line 1, strike out "permanent resident status under section 245A(a)" and insert in lieu thereof "temporary or permanent resident status under subsection (a) or (b)(1) of section 245A".

Mr. LUNGREN. Mr. Chairman, I might state that this is the first of a series of major votes we are going to have on the question of legalization. This is the first of perhaps a series of amendments that are considered to be the major amendments in the legalization section of the bill. Although it will be my intention to address the question of legalization as a concept later in this debate concerning the amendment of my colleague, the gentleman from Florida [Mr. McCOLLUM], I would just like to say that after having lived with the question over the last 5½ years, I have come to the conclusion, as has the President, I might add, and the Attorney General, that in the context of an overall enforcement bill, there is no alternative.

I might just say to my colleagues that if they would like to pass this on

a voice vote, I will be happy to sit down now and we can all begin discussing other matters, but I doubt that it is going to be that simple.

Mr. Chairman, I would like to take this opportunity to distinguish two things. I think we ought to make it clear that what this amendment is about is not an idea of blanket exoneration or so-called blanket amnesty for those involved. What we are talking about with respect to this amendment to this section of the bill is a legalization program that would require a case-by-case adjudication of individual applicants who must individually demonstrate that they meet the equities required by both the bill as well as the Immigration and Nationality Act.

During a 5-year period of time after obtaining temporary or permanent resident status, these individuals would be disabled from receiving welfare and health benefits other than medical assistance required in the interest of public health, and that section has been further refined by an amendment that we adopted on Friday from the Energy and Commerce Committee, and with respect to the aged, blind, and disabled.

With that in mind, Mr. Chairman, I will now take this opportunity to explain why I believe that this amendment should be adopted to replace the provision of the bill which would grant permanent-resident status to those who entered the United States prior to January 1, 1982.

□ 1310

My amendment would bring the legalization provisions of the bill into conformity with that of the other body. Essentially this amendment establishes a two-tier system that allows those who have permanently resided in this country since January 1, 1977, to obtain permanent-resident status as long as they are not excludable under the law. And those that came in before January 1, 1980, but after January 1, 1977, would be placed in the category of temporary-resident status.

Additionally, special provisions for Cubans and Haitians embrace not only persons with the Cuban- and Haitian-entrant designation but also the pre-1982 Cubans and Haitians and therefore would really not affect that section of the bill dealing with Cubans and Haitians.

I think it is important for us to realize that the rationale for legalization is not just to give legal status to all illegal aliens but, rather, it is to grant legal status to those who have demonstrated a commitment to this country by long-term, continuous residence as contributing, self-sufficient members of this community.

I believe the two-tier legalization permits the inclusion of a substantial portion of the illegal population while ensuring at the same time that per-

sons are not given the benefit of permanent residency before they have demonstrated the requisite commitment to this country.

The two-tier legalization program further emphasizes the commitment of self-sufficiency by providing that those who fall into the temporary-resident category after 3 years may then apply for permanent-resident status and would again be subject to the appropriate exclusions, although as we know, under the bill, the Attorney General could waive some of them, one of them being that they would not be likely to become a public charge.

My amendment would also require that those seeking to alter their status from temporary to permanent status would have to have attained a minimal understanding of ordinary English or be satisfactorily pursuing a course of study to achieve such an understanding.

I must say this part of the amendment is an addition that resulted from the concern expressed by the gentleman from Texas [Mr. WRIGHT] in his original amendment.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has expired.

(By unanimous consent Mr. LUNGREN was allowed to proceed for 5 additional minutes.)

Mr. LUNGREN. So that this is a contribution in a sense from the gentleman from Texas [Mr. WRIGHT], in that he expressed the concern that we ought to have some progress toward English from many of those following the legalization program.

I might say that my requirement for the English assistance is only in that category of people who have come here most recently and therefore would be in the temporary-resident status. Prior to the time they could become residents they would either have a minimal understanding of ordinary English or be satisfactorily pursuing a course of study to achieve such an understanding. Those that came in before that time presumably have been here long periods of time and who are older would not have that same requirement.

One of the reasons we think it is important to have that requirement with the first category, however, is that we found out through the refugee program that the inability to speak the English language is an impediment to successful entrance into the full benefits of American society.

We have discovered, for instance, that if you happen to be a refugee with a Ph.D. but have no English proficiency, your ability to get a job is absolutely less than someone who has virtually no education but has an English proficiency and therefore has an ability to enter the job market.

I think it is to the benefit of our society as well as to the recipients of this

new legal status that they be encouraged to learn English. This does not mean they should lose their native language but it seems to me that we ought to acknowledge the importance of a minimal proficiency in English, as has been suggested on several occasions by the gentleman from Texas [Mr. WRIGHT].

A two-tiered legalization appropriately treats the most recent illegal arrivals differently from persons who have lived in undocumented status for long periods of time. A temporary status gives an illegal alien who lacks the equities of long-term residence an opportunity to earn, and I underscore the word "earn," permanent residence through their conduct during a trial period. And while it is my feeling that there is no viable alternative to conferring legal status on many of those who are here in an undocumented status, a legalization that is overly broad, on the other hand, also carries great risks.

Moving the legalization date to January 1, 1982, would confer the status of permanent residency on those who have been here for a period of as little as 2½ years, and this would entail the right to petition for the admission of family members and to apply for citizenship after 5 years.

It is in my judgment, therefore, imperative we not extend the benefits of legalization before the requisite commitment to our country has been established.

Mr. Chairman, many Members may not be aware of the fact that there is a substantial turnover among undocumented aliens in the United States. This is reflected in estimates indicating that a large percentage of illegal aliens have entered in the last few years. The fact that we make the decision to legalize part of this undocumented population does not, therefore, mean that the residual population will live indefinitely in the United States in a limbo status.

Many of these undocumented persons voluntarily return to their home countries after living here for but a few years.

In addition, employer sanctions will make it more difficult for the residual undocumented population to remain in the United States and therefore the conferral of legal status with respect to a cutoff date as recent as that presently contained in the bill has the potential of making what would otherwise be a temporary population permanent. And I might add that the select commission recommended in a unanimous 16 to 0 vote that "no one be eligible for legalization who is not in the United States before January 1, 1980." That cutoff date would exclude anyone who is attracted to the United States as a result of the ongoing public discussions concerning legalization.

Although 3 years have passed since the select commission issued its report in March 1981, it is not unusual for anyone to think that the legislative process would act more quickly than it has. The fact is we have not acted on this subject in a comprehensive fashion for 32 years.

Mr. Chairman, one of the important reasons why I believe we should not advance the date beyond January 1, 1980, as the bill does, is that that then would give the opportunity for legalization for those people who were attracted here because of the discussions of legalization or amnesty. It is extremely important that as we deal with this difficult issue we deal with it in such a way that we do not set the momentum for another amnesty down the line and another amnesty after that, so that people outside this country feel that all they have to do is get themselves within the confines of the United States and wait for the next amnesty.

In my judgment we have to have a carefully defined program. I believe the other body has done that. I believe the administration's position, which by and large is embodied in my amendment, does that. I think we meet the very important midground between those who do not want to have any legalization whatsoever and those who want to have amnesty.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has again expired.

(By unanimous consent Mr. LUNGREN was allowed to proceed for 3 additional minutes.)

Mr. LUNGREN. Importantly, I think we also ought to recognize that elimination of this two-tier approach in combination with advancing the cutoff date to 1982 significantly increases legalization costs. According to the estimates by the Office of Management and Budget, the cost of reimbursing the States for welfare expenditures will exceed \$6.6 billion between fiscal year 1985 through fiscal year 1989 if the bill as currently drafted is adopted.

By contrast, my amendment containing the two-tier approach would reduce such costs to \$3.4 billion over the same period.

In other words, we are talking about a savings of \$3.2 billion.

Again, Mr. Chairman, I think it is important for us to be careful in designing this particular aspect of the bill so that it is not viewed as overly generous and therefore planting the seeds for a rolling amnesty program in the future.

The argument that legalization represents a humane response to the plight of undocumented aliens is simply not applicable to recent arrivals who have not attained sufficient equities and not become firmly entrenched members of our community.

At some point in time we have to say enough is enough.

It is important that we accommodate many who are here because we have not enforced the law for many years. On the other hand, we have to make sure we do it in such a way that we do not communicate the message to those who have been waiting in line all those years that: "You should have tried to get across the border in 1981 while others were dealing with this bill instead of complying with our laws."

Mr. Chairman, I might say that this amendment I believe is consistent with what the polls show the American people are asking for. Perhaps one of the most extensive polls taken in my home State of California on this whole subject was the Field Foundation poll taken in the summer of 1982.

□ 1320

At that time, it found that approximately 69 to 72 percent of the people in all categories together believed that we ought to deport those people who are here illegally, including approximately 60 percent of the Hispanic respondents.

But on the following question, asked immediately thereafter, the response is revealing. The second question was: "Should we legalize those people who have been here 5 years or more?" And in the same group of people who had said overwhelmingly that all who have been here illegally ought to be deported, approximately 60 to 73 percent of the people in my home State said that yes, we ought to have legalization for those people who have been here 5 years or more.

That was consistent across the board as that polling data broke it into Anglos, blacks, and Hispanics. They all seemed to agree that that is where we ought to go. Most polls that have been taken suggest that is about the timeframe that the American people think makes sense; about 5 years, the bill before us says we will do it in 2½ years. I think that is wrong.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has expired.

(On request of Mr. SHAW and by unanimous consent, Mr. LUNGREN was allowed to proceed for 4 additional minutes.)

Mr. SHAW. Mr. Chairman, will the gentleman from California yield?

Mr. LUNGREN. I yield to the gentleman from Florida.

Mr. SHAW. I thank the gentleman for yielding.

Mr. Chairman, I would like to compliment the gentleman from California on his amendment, a very fine amendment, and one that would cure a serious problem in the bill, at least go a long way toward doing it.

Under the rule that this particular amendment is brought to the House floor, the Shaw amendment, which is

scheduled to be debated immediately following this, should the gentleman's [Mr. LUNGREN] amendment pass, the Shaw amendment, if it would prevail, it would knock the gentleman's amendment out and then after that the Wright amendment would be considered.

I have considered that the Lungren amendment is a more inclusive and better amendment than the one that I have offered for consideration and I would like to advise the gentleman and the Members of the House that in the event the Lungren amendment does pass, I will withdraw the Shaw amendment and that I do think that the gentleman's [Mr. LUNGREN] is a more preferable vehicle to go forward for final passage of this bill.

Mr. LUNGREN. I thank the gentleman.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from California.

Mr. ROYBAL. I would like to better understand the amendment that the gentleman has presented.

Mr. Chairman, it is my understanding, based on the remarks of the gentleman from California that those who came in before January 1, 1977, would receive permanent status.

Mr. LUNGREN. Permanent resident status, that is correct.

Mr. ROYBAL. They would get permanent-resident status, but would still have to wait at least 3 years before they become eligible for benefits under the law.

Mr. LUNGREN. We do not change the section of the bill that is presently before us and that is 5 years disability.

Mr. ROYBAL. All right. That is 5 years.

Now if they came in after 1977, they would get temporary-resident status.

Mr. LUNGREN. Between 1977 and 1980 they would be temporary residents.

Mr. ROYBAL. Which means if someone came in on January 2, 1977, that that particular person would get temporary-resident status.

Mr. LUNGREN. For a 3-year period of time, correct.

Mr. ROYBAL. For a 3-year period of time and within those 3 years they would not be eligible for any benefits?

Mr. LUNGREN. For a total of 5 years they would not be eligible for any benefits because I do not change that part of the bill that is before us.

Mr. ROYBAL. That is precisely what I wanted to understand; whether that was changed. Which means that regardless of the time it is still a matter of 5 years before they can participate.

Mr. LUNGREN. That is true.

Mr. ROYBAL. Now, does the gentleman have any studies or the benefit of any studies that have been made with

regard to the number of aliens that would come under his provision?

Mr. LUNGREN. No, I tell the gentleman there have been studies that have been done but I frankly do not believe that anybody can truly predict what the numbers are. There have been some estimates made by the Census Bureau, there have been some estimates made by the HHS on the Federal level.

I have used the figures that came from OMB based on estimates from HHS, only to show the difference in the cost of my proposal versus the bill if you use common assumptions. But I do not necessarily accept those assumptions as being valid because frankly, I think, as the gentleman knows, we do not know how many people we are talking about and no one does.

Mr. ROYBAL. Then we also do not know how many individuals may wish to apply.

Mr. LUNGREN. Absolutely, that is correct.

Mr. ROYBAL. So we are talking then about an unknown number which may be as many as a million.

Mr. LUNGREN. As millions, yes, that is correct.

Mr. ROYBAL. All right.

Now, the administration of your program, with the two-tier program, how does that add up to less cost than a one-tier program?

Mr. LUNGREN. Well, in a couple of ways. One is that from an administrative standpoint, we have been informed by the Immigration and Naturalization Service that the bureaucratic burden of processing the various individuals would be less.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. ROYBAL and by unanimous consent, Mr. LUNGREN was allowed to proceed for 5 additional minutes.)

Mr. LUNGREN. We have been informed by the INS that as far as the expense of administering the program, they would find it to be less because then the number of people to be processed ultimately toward permanent resident status would be spaced out over a larger number of years.

The savings with respect to this bill come more in the area of bringing the date back as opposed to the two-tier system since we have blanket applicability of the disabling sections as the bill is presently written.

Mr. ROYBAL. One last question, if the gentleman will yield.

Mr. LUNGREN. Certainly.

Mr. ROYBAL. That is, I am concerned about the temporary status of the individual, once he gets that particular status. And when that person finally does not qualify, what happens to that individual? He has already exposed himself to the Immigration

Service, and may be in danger of deportation.

Mr. LUNGREN. That is true.

Mr. ROYBAL. Is he immediately deportable or what happens?

Mr. LUNGREN. Well, for those few individuals who would fall into that category, they would then be here by definition in illegal status and they would be, yes, deportable.

Mr. ROYBAL. Now, one of the problems that I see with that is that these men and women who are here and would be eligible to remain under that particular status would not even apply.

Mr. LUNGREN. Well, if I might reclaim my time to respond to the gentleman, that is the problem you are always going to have if you have a carefully drafted legalization program as opposed to a blanket amnesty.

If it is an individual case-by-case analysis, then obviously you will have some people that do not meet that test; that is a fact of life. But I suggest to the gentleman, No. 1, blanket amnesty would never pass on the floor in whatever guise it might be presented and No. 2, I do not think it is the fairest thing to do.

So the complaint of the gentleman does arise with respect to this, but I would suggest to the gentleman that it would rise with respect to the bill as it is written because some people presumably are going to be excludable after having made application.

Mr. ROYBAL. Will the gentleman yield on that particular point?

Mr. LUNGREN. Certainly.

Mr. ROYBAL. I thank the gentleman. It is not a matter of complaint that is being raised; at this particular time I am seeking information.

Mr. LUNGREN. That is fine; I would be happy to respond.

Mr. ROYBAL. One of the things I want to know is how you are going to have to save \$3.2 billion by having a two-tier program which in fact makes it more difficult to administer.

Mr. LUNGREN. Primarily with respect to the cost of public assistance as estimated by OMB and HHS using similar assumptions. All I am saying is that based on the same assumptions this is the savings, a magnitude of about half of what they would otherwise anticipate it would be costing us.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman from New Mexico.

Mr. RICHARDSON. I thank the gentleman for yielding.

Mr. Chairman, first of all I wish to commend the gentleman for being very serious and comprehensive in his approach to this issue. But I have a number of questions I would like to raise.

First of all, the most fundamental one is how does the gentleman know

how much it is going to cost if we do not know the number of illegal aliens in this country. There are all kinds of estimates.

Mr. LUNGREN. If I might reclaim my time, I have tried to answer that question. What I have said is taking similar assumptions, and applying them to the various approaches, the committee bill now before us and my amendment, these are the savings.

Obviously, if the assumptions were different, the savings would be different. But the relative savings would not be.

I would be happy to yield further to the gentleman.

Mr. RICHARDSON. The reason I ask this is because the assumptions are, there is a CBO, Census Bureau, the population is estimated at anywhere between 1 and 10 million; with the probably most accurate between 4 and 6 million by the Census.

Another concern that I have relating to the numbers, according to the INS, if your amendment passes only one-third or less, between 25 and 30 percent of those undocumented aliens would be affected.

□ 1330

In other words, you really are not attacking the problem comprehensively.

Mr. LUNGREN. If the gentleman will allow me to reclaim my time, I might suggest that neither the INS nor I know how many people we are talking about, but to suggest that because I cut off the date at 1980 instead of 1982 that in 2 years two-thirds of all those people who are here illegally came in suggests that the situation is far worse and accelerating at a far worse level than even I believe is the case.

I would say to the gentleman that there are within those numbers of people who are here illegally a not insignificant number who do not intend to stay in the United States permanently. We have a number of studies that suggest that. The longer you stay, the greater tendency there is to permaterize your residence here. But those who have most recently come to the United States are the least likely to wish to attain permanent status.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has expired.

(At the request of Mr. RICHARDSON and by unanimous consent, Mr. LUNGREN was allowed to proceed for 5 additional minutes.)

Mr. RICHARDSON. If the gentleman would continue to yield, I would just like to read to the gentleman some estimates by the Congressional Budget Office which estimate that only 60 percent of those eligible will actually seek to be legalized. This means that about 23 percent of the

current undocumented population will actually apply.

As the gentleman knows, he is very cognizant of this issue, there have been a number of countries, Australia, France, the Virgin Islands, that have had legalization programs. Always the estimate of how many will actually apply is substantially below projections, way below 50 percent. In fact, it is at a point where many feel that even though you have an offered legalization program, that many of these countries, many of those eligible, because of the tier systems, because of the requirements, they do not actually proceed to apply.

I think this is a very compelling statistic that what you have is that a group of people that not necessarily are going to stay in this country for whatever reason. I agree with the gentleman there.

Furthermore, another concern that I have was the fact that we have just proceeded in this bill with the INS to give them more strength and more funds for border enforcement. Now you are giving the INS another role. We have already made the INS a number of other bureaucratic jobs, now you are giving the INS a very burdensome task of getting involved in temporary and the permanent decisions. The INS has enough trouble just taking care of the border. Now we are making them superbureaucrats. I think it goes against the intent of this bill.

Mr. LUNGREN. If the gentleman will allow me to reclaim my time, I might just say that rather than establish some new bureaucracy to deal with the problem, we felt it was important to keep it within the INS.

The complaints that the gentleman registers with respect to my amendment are complaints that the gentleman can register with respect to the bill as it is or anything short of total blanket amnesty, which I will repeat, this House will never pass.

So I acknowledge the gentleman's comments that this is imperfection. We are going to have human beings working on this and I acknowledge that. I also would say to the gentleman that the CBO has no more idea how many people are here or how many will apply than I do. They have no basis in fact to make that statement any more than I do, except to suggest this. We have made a conscious effort here, not only to involve the Federal Government, we made a conscious effort to allow private organizations, voluntary agencies, to participate in this. We passed an amendment offered by the gentleman from Florida [Mr. FASCELL] last week to allow private organizations that may be profit making, as well as nonprofit making organizations to assist in this. We have cast the net as far as we can to bring in as many groups in our soci-

ety that are not official to assist in the legalization program and we have never, frankly, ever had a program like this. I do not think you can compare it with any program in other countries.

Mr. RICHARDSON. If the gentleman will yield further, the question that I have is that I know the gentleman has not given the CBO much credence, but does he agree that the Census Bureau has made a reasonable determination at estimating how many there are in this country?

Mr. LUNGREN. If I might respond to the gentleman on that, I find it difficult to agree with the Census Bureau's statistics which showed there are 3.5 million people here illegally when I think it is in the higher range. Plus, the Census Bureau was not allowed by law to ask the ultimate question. They made estimates.

I am saying this is a big unknown out there. We have got to recognize it.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Florida.

Mr. SHAW. I thank the gentleman for yielding.

I think this is a very interesting question and that figure has been thrown around here. I think it is interesting to point out and most important to point out that in 1979 the Census Bureau researchers reported to the Select Commission that there were between 3.5 and 6 million illegals in the country at that time. Now, that is 1979. The influx since then has been considerable.

So if we are talking about the Census Bureau and the figures, we have to take this in historical context because that was in 1979.

Mr. RICHARDSON. Is the gentleman aware of the census in 1980, what the estimate was? It was between 4 and 6 million. That is a Census Bureau estimate.

Mr. SHAW. I think that points out very well the problem, that they are estimates. This is one of the problems that we have when we are talking about legalization. We have no idea how many illegals are out there. The Census Bureau takers could not even find a bunch of them.

Mr. RICHARDSON. But the point we are trying to make with my colleague is that my colleague has created—and I think he is very serious and substantive about his amendment—if his amendment goes through, there is the 5-year period where he is going to create in the next 5 years a substantial underclass that has no status, that has no options, that has no recourse and again we are brought back to the premise of this bill.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has again expired.

(At the request of Mr. RICHARDSON and by unanimous consent, Mr. LUNGREN was allowed to proceed for 3 additional minutes.)

Mr. RICHARDSON. I think that concession by the gentleman has been made that we have got to deal with this problem.

Mr. LUNGREN. Let me just reclaim my time to suggest to the gentleman that I do admit that there will continue to be some underclass here who are here illegally, those who have come in within the last 2½ years. I readily admit it.

I think it is important not to have legalization so close to the time of enactment of the bill that you encourage further illegal immigration in the hopes of having another amnesty. I concede that to the gentleman.

Mr. RICHARDSON. It is 3½ years. That is a substantial number. The point that we are trying to make is the gentleman has said he is trying to deal with the problem, but I sense that he said the most practical and political way to do it is to reach a compromise. But if you reach a compromise, you are not really dealing with the problem. I believe that the committee amendment which is 1982, which has a number of standards that require for some kind of supervision, that deals with the problem in a more comprehensive way, probably will be most cost efficient, more humane, and I just think what the gentleman is creating is a new underclass, an ability of the INS to probably not be able to—

Mr. LUNGREN. If I might reclaim my time, I am not creating any new underclass.

What I am attempting to do is to have a compromise solution to a very difficult situation. I am not creating any underclass at all. There is an underclass right now that may be as large as 12 million. I am making a good faith effort to try and resolve that problem as credibly as possible, to the extent those who most recently came here have the least claim on legitimacy in having a commitment to this country. I will acknowledge to the gentleman those people are going to be left on the outside.

Whenever you draw a line there are some people who are going to be left on the outside. That is a fact. I concede it to the gentleman. But my suggestion is if the gentleman believes, as he does, and carries his argument to logical extension, then we should have not what is in this bill. Under that thinking we should have a legalization that goes up to the date of enactment so that as long as you get your foot across the Rio Grande the day that the bill is passed, you have legal status. I do not think that that type of blanket amnesty makes sense, is justifiable to those who have waited for

many years following the law, nor is it possible to pass, I might add.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from California.

Mr. BERMAN. I thank the gentleman for yielding.

Mr. Chairman, I think it is important to clarify a misimpression the gentleman may have inadvertently given. The gentleman from California, the ranking minority member of the subcommittee, in support of this legislation in general debate and innumerable times since the general debate that preceded the amendment has cited the select commission.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has again expired.

(At the request of Mr. BERMAN and by unanimous consent Mr. LUNGREN was allowed to proceed for 5 additional minutes.)

□ 1340

Mr. BERMAN. I appreciate the gentleman's continuing to yield.

The gentleman cited on a number of occasions the support of this tradeoff, the employer sanctions for the legalization, the work of the select committee, its bipartisan status, its distinguished status.

Earlier in the debate, the gentleman made reference that the select commission selected January 1, 1980, as the ideal date.

I think it is only fair to point out that that recommendation was made in April 1981, No. 1. No. 2, it was in the context of believing that any legalization program with a continuous residence requirement for participation in the program be no longer than 2 years; and, third, that the select commission made its own estimates of when different cutoff dates would affect portions of the population.

This came up earlier. I would like to read exactly what the select commission said, interpreting their estimates based on the tremendous delay we have had since the select commission came down.

Mr. LUNGREN. I appreciate the gentleman's comment. If I might just reclaim my time in order to allow a member of the select commission to respond—

Mr. BERMAN. May I just indicate the figures for the RECORD?

Mr. LUNGREN. Let me yield to the gentleman to respond to that, and then I will grant you more time.

Mr. FISH. As a member of the Select Commission, I would like to advise the gentleman that the reason the Select Commission determined the legalization should not be a date past January 1, 1980, was the very fact that the report was issued after that date, and it realized that once that unanimous recommendation for legalization

was announced, it would serve as a magnet to encourage a great many people to come into this country illegally to qualify for a later date. Hence, the importance of the 1980 cutoff date.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Arizona.

Mr. RUDD. I thank the gentleman for yielding.

Since we have got a clouded issue here, let me cloud it up a little further.

Eight years ago, I was getting estimates from retired regional directors of the Immigration and Naturalization Service of between 14 and 15 million illegal immigrants in the country. By the same token, in later years coming up, it seems to me to be growing by leaps and bounds at the rate of about 1 million illegals each year.

So we can conceivably say that we have 20 million plus illegal aliens living in this country today, which would be a tenth of the population.

So I support the gentleman's amendment, reluctantly, because I do not agree with amnesty, but because I know that something must be done, that we must find some way to begin to control what is happening to our country here, and that is why I support it.

Mr. Chairman, this amendment establishes a two-tier legalization program that grants permanent resident status to undocumented aliens who can prove entry into the country prior to January 1, 1977, and temporary resident status to those who arrived prior to 1980. It is similar to the legalization program which has already been approved by the other body.

This two-tiered amnesty plan is an improvement over the unprecedented amnesty program included in the bill which covers all those who entered prior to 1982. For that reason I will support it.

However, it is with great reluctance that I do support this amendment. Amnesty raises serious questions of fairness with regard to those who have waited patiently—sometimes for more than a decade—to immigrate through proper legal channels. Furthermore, I doubt that it will free any resources to deal with our immigration problems, but instead will encourage millions more to immigrate illegally in the hope of benefiting from some future amnesty plan. If we grant amnesty once, there is no reason that we cannot do it again.

I will support the amendment because it represents a less drastic approach than that currently in the bill. However, I will encourage my colleagues to support a later amendment to strike the amnesty provisions from the bill altogether.

Mr. LUNGREN. I just want to thank the gentleman for his reluctant support. I appreciate it. I will get any support that I can.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from California again.

Mr. BERMAN. I thank the gentleman for yielding.

First, I might say that I am not engaging in speculation about estimates of numbers. I think the gentleman from California has very straightforwardly indicated that neither he nor anyone else has any idea of what numbers we are talking about. We have a tremendous disparity of estimates. That does have consequences on the cost figures. I think we are trying to deal with a conceptual approach to the problem here.

I would be interested in hearing, as the debate proceeds on this amendment, from the gentleman from New York or anyone else, the extent to which illegal immigration since April 1981 has in fact been motivated by some belief that some legalization blanket will cover people. I start out skeptical that that is the belief.

Mr. LUNGREN. If I may respond to the gentleman at that point, in speaking with a number of agents on the border, in fact they found comment by people coming across the border about amnesty when they came across, as this seemed to be discussed broadly either in the Congress or by the select commission. That is just anecdotal information, but in fact they have commented on that to me in the past.

Mr. BERMAN. If the gentleman will continue to yield so that I might present the figures of the select commission into the RECORD for this debate, assuming enactment this year, the legalization program would be in full swing only in early 1985, 3 years after even the January 1, 1982, legalization cutoff date in H.R. 1510. Assuming enactment in this Congress—

Mr. LUNGREN. If I might just reclaim my time, is the gentleman referring to the actual report, or the staff report?

Mr. BERMAN. I am referring to the estimates of the select commission.

Mr. LUNGREN. But is that the select commission staff report or the actual language of the report adopted by the members of the commission?

Mr. BERMAN. I can have the answer to that question for the gentleman in a few moments. I will try to pin that down.

The following table would apply—

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has again expired.

(On request of Mr. BERMAN and by unanimous consent, Mr. LUNGREN was allowed to proceed for 2 additional minutes.)

Mr. BERMAN. With a cutoff date of January 1, 1983, the estimated percentage of the population covered is 75 to 80 percent; with a cutoff date of January 1, 1982—in other words, the bill before us, without the gentleman's amendment—60 to 70 percent; with a cutoff date of January 1, 1981, 45 to 50 percent; with an estimated cutoff date of January 1, 1980, 35 to 40 percent.

The gentleman from New Mexico has cited the experiences in other countries and estimates of experts that no more than 60 percent of those eligible will likely apply, so we are dealing perhaps with 20 percent of the undocumented worker population now in this country. I think the amendments that we will be hearing, this amendment and the future ones, should be considered in that context.

I thank the gentleman for yielding.

Mr. LUNGREN. I appreciate the gentleman's remarks.

I do think it is fair to say that I believe those statements the gentleman made are from the staff committee report, and if that is correct, that committee report was issued long after the commission had completed its recommendations, and was never formally adopted, as I understand it, by the commission.

Mr. FRANK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope very much that this amendment is defeated. As has been indicated, there will be a change in the situation. The gentleman from California said that he is not creating an underclass, and that is true. In fact, the gentleman from California has quite courageously worked for 3½ years on this fairly unpopular subject, to try and alleviate—and I genuinely believe he has been moving in that direction—the plight of those people.

But out of a combination of political necessity—and I do not mean his personal political necessity, because anybody thinking about his personal political necessity would not mention the word "immigration"—but out of the floor management requirements of trying to get a bill through, I think we have an amendment which confounds the logic of the bill and, if adopted, will make the situation worse, if the whole bill is then adopted, for a lot of people who do not deserve to have that inflicted on them, because you will have a situation where sanctions will be in place, it will be illegal to hire people who enter here illegally but we will have people who have entered here since January 1, 1980, who will be subject to the sanctions.

It cannot be in our interest to create so large a class of potentially desperate people.

Now, the gentleman is correct. No one is talking about a contemporaneous date. We have in the bill a cutoff

date of January 1, 1982. That is a year and a half. The gentleman has 3½ years, during which time people would have come to this country, would have been working, would now face a situation, if the bill passes, where, if they have to change their jobs because they have been fired, because they want to quit, because their job is abolished—and these are not people who are necessarily in the most stable forms of employment, they are people who are going to have to change their jobs—they will face a situation where 3½ years' worth of people who have come here simply cannot work legally. It cannot be in the interest of this or any other society to create by the working of a statute so large a number of people who are here physically who probably cannot be removed forcibly, and who are disbarred from legally supporting themselves.

What do you do when you create a situation when you have a large number of people who are here and cannot legally support themselves? You are inviting desperate behavior. And I say that not to invite it, not to excuse it, not to say that if it happens we ought to in any way refrain from punishing it if we can. But is it in our interest to create it? I think not.

Now, people can say, "Well, remove them."

If it were possible through our law enforcement capacity to remove all of those who are here illegally, then I would be in favor of doing that. But we have a situation now where all of us have admitted we have not any idea how many people in that category there are. To create the kind of situation in which it would be possible to remove those people, as we have the legal and moral right to do, when people have entered illegally, would unfortunately require transforming the nature of this society. In other words, this is a case where, to ask law enforcement officials to do something that serious, would be to introduce into this society a degree of regimentation that none of us want to live with.

So the premise of the gentleman from California is the premise of the subcommittee bill. Legalization is necessary because forced physical removal is simply an impossibility, not necessarily an undesirability but an impossibility.

Once you have conceded that there ought to be some legalization precisely because of that fact, why is it in our interest to say that we want to keep 3½ years' worth of those people unable to get a job?

Remember that in both bills people who are legalized are for 5 years—I think this is unprecedented in the history of the United States, we are not even sure of the constitutionality—the people who will be given legal status will be for 5 years disabled from receiving Federal financial assistance

except in case of medical emergency that HHS says—and it is not in our interest to have sick people around with infectious diseases—we are saying to these people, "You have got to work because you are not eligible for any form of financial assistance at the Federal level, and if the States want to exclude you, we will let the States do it too."

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This is hardly some great boon. We are saying that if these people want to stay here in this second-class form of residence, but at least a legal one, and work, and support themselves, and not take any benefits that will let them do it. When people talk about how much it is going to cost the Government, there ought to be some assessment of how much they are going to be contributing. These will be people who will be taxpayers. The vast majority of them for that 5 years will be self-supporting. If not, under this statute they are here illegally, and they are working illegally and we are hoping that the sanctions are going to work.

We are talking about people who are at work, that is the problem. Now, I want to add, a further problem, from the standpoint of the bill, and then I will be glad to yield to my friend from Michigan. For many of us, this has been a very difficult piece of legislation. I believe that already last week, in accepting the Panetta amendment, allowing a large number of people to come in and do agricultural work, the terms of this bill have been changed.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 5 additional minutes.)

Mr. FRANK. I am speaking now as one who has come to the conclusion after several years of study that only a carefully worked out program of sanctions and legalization will begin to resolve this terrible problem we have all confronted. If the House adopts this amendment, you apply the sanctions in a terribly unfair and damaging fashion. You change a balanced proposal into one that will be quite punitive on a lot of people. These are people who, I understand, did something wrong when they entered illegally, but I recall the words of the gentleman from California [Mr. DANNEMEYER], who gave last week, during the Panetta amendment, a very moving tribute to the fact that these people, while they came illegally, were not ill-motivated. These were people who did not come here for a free ride; they came to try to work.

What the Members will do if they pass this amendment is to say that we will apply the full force of the sanctions to these people, but we will

cutoff the legalization; we will cutoff the possibility of them even trying to support themselves legally as of entrance in January 1, 1980. You will create among us a pool of 1, 2, 3 million, nobody knows, people who are here with no legitimate way to support themselves.

It may make some sense to oppose legalization all together, but I think this is a politically driven rather than an intellectually driven compromise which does not make sense on its own terms. It cannot make sense to say we understand that we cannot throw you out of here, so we are going to have sanctions to keep people from coming in the future, and we will legalize so that we do not have this set of illegal people who are in a desperate status themselves and then cut it off in January 1, 1980.

I am skeptical, anecdotal evidence to the contrary, that news of a potential legalization was so widely credited in South and Central America and the Caribbean and elsewhere, that it contributed to a vast increase in the number of people. I think the thing that drives the number of people who come here are the relative economies of those countries and our own. I do not think that reading select commission reports, albeit a distinguished select commission, is a significant factor, anecdotal evidence to the contrary, in the flow of immigration.

The question is if you accept, on its own terms, the premise that legalization and sanctions go together because the alternative is to have sanctions and say that people cannot work and they are here, and to create a class of we do not know what, then the January 1980 date does not make sense. There is one other problem with the gentleman's amendment, that is the two-tier. That is going to be a cost, a bureaucratic addition, and obviously, INS has to do it in any case, but you require double processing of some of these people in a way that adds to it and I do not see what is accomplished by the two-tier amendment.

The fundamental point though is that you are going to create a situation in which people have come here, are told that they cannot work, and we understand that we cannot remove them, and I think it is going to be a very dangerous situation for ourselves. If you accept the logic of legalization, I do not understand what, other than an effort to pull a few votes away from people who are opposed to the whole legalization program, justified doing it with a 3.5-year waiting period rather than a 1.5-year waiting period.

Obviously there are lines, and there is arbitrariness on both sides of any lines. But the difference between 3.5 years and 1.5 years is significant. I have to aid that if this is adopted, and we have this 3.5-year waiting period, the bill, in my judgment, becomes not

an intent, but in effect so punitive, so negative in conjunction with the Pannetta amendment, that I could not in good conscience support it, and I would hope that the House at that point would reject it because what has been a balanced, mutually compromising effort to find common ground will have been transformed by the votes of the House into an instrument that I believe to be, again not an intent, but in effect a more vindictive one that will cause a great deal more misery than it will alleviate, and it will not at that point, be a bill, that in my judgement, would be worth salvaging if we went to conference.

Mr. SAWYER. Mr. Chairman, will the gentlemen yield?

Mr. FRANK. I yield to the gentleman.

Mr. SAWYER. I thank the gentleman for yielding.

I want to say I am compelled to agree with the gentleman. You are miscounting though; the gentleman is saying it would be a year and a half. Under the present committee bill, it would be 2.5 years, really 3, because there is 6 months before the employer sanctions come in.

Mr. FRANK. Four and a half.

Mr. SAWYER. So we will have people that were here, under the bill as it stands, for a significant amount of time, over 3 years, who suddenly will be unable to be employed. I think the ideal thing, if you are going to have legalization, and I am not an enthusiast over legalization. This has been very bothersome to me. But the ideal thing would be to have the date concurrent with the date of the bill going into effect. Obviously, you would have disaster if you could not seal your borders in the meantime.

Anyway, you are going to leave a reservoir of people who are not going to be able to work and who are physically here. The further down or the smaller we can keep that reservoir, the better off we will be.

Mr. FRANK. Let me just respond to that correction. It is 4.5 versus 2.5.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 5 additional minutes.)

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman.

Mr. MAZZOLI. I want to thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman on a very pertinent and a very important statement. Let me salute my friend from Michigan, who once again, has in all the years that we have worked together, shown his ability to go to the heart of the problem.

The gentleman's absence next year from our committee will be a very serious loss and I will, myself, personally miss his advice and counsel. The gentleman, despite a lot of obvious push and pull and emotional discussions, has suggested, as his colleague [Mr. DANNEMEYER] did, even last week, that when you examine the issue carefully, when you examine it under the microscope of good faith, it is inevitable you must come to the conclusion, first, that any bill with balance requires a legalization section.

Furthermore, as the gentleman has exactly said, if you examine the legalization section further, you inevitably come to the conclusion that the nearer the date is to enactment, the better the thing is going to work administratively, humanely, and otherwise.

Let me salute the gentleman once again on having added very much to this debate. I thank him.

Mr. SAM B. HALL, JR. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman.

Mr. SAM B. HALL, JR. I thank the gentleman for yielding to me.

Mr. Chairman, I would like to point out to the gentleman from Massachusetts that we now have in the existing law a provision that the Attorney General, if a person has been here for not less than 7 years, has a right to suspend any deportation proceedings if that person can prove that by taking him or her out of the United States it will be a hardship on that person, or, it might be a hardship on their family.

Now, if we could, allow the Attorney General and give him absolute authority, to allow people to stay here who have been here not less than 7 years, under certain circumstances would it not make for a better citizenry rather than just allowing everybody who came here after a certain period of time, to be given certain rights of citizenship?

Mr. FRANK. No. The answer is as follows: First, the gentleman from California has pointed out this is not a blanket extension of automatic amnesty to everyone. There is a case-by-case element here which does add to the administrative burden, the gentleman is right. It is not his amendment that creates an administrative burden, it is the committee acceptance of the notion of legalization.

The problem I have with what the gentleman suggests is that that is in the bill for exceptional reasons; that is in the law. Giving the Attorney General that extraordinary power is meant to be used in exceptional cases. I think it would be a mistake to say that that should be the way you would deal with potentially millions of people. I do not know how many Attorneys General we would have to have; now we apparently have no Attorney General. We

would have to have about 25 or 30 if we went that way.

The situation there is one to give an extraordinary power to alleviate a difficult situation. I do not think that is the way, in such an untrammelled form of discretion, that you want to deal with an ongoing problem such as we have now. I agree, and most of us in the subcommittee agree, that some form of case-by-case legalization is there; the question is whether we should wait 2.5 years, as the gentleman from Michigan corrected me, or 4.5 years for the cutoff date, and how large a pool of people who are not even eligible to work are going to be in this country.

□ 1400

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from New York.

Mr. FISH. I thank the gentleman for yielding.

Mr. Chairman, on my own time I will be addressing the competing interests that lead us to the conclusion that this two-tier is a more balanced result, but I would like to just respond to a couple things the gentleman said.

This amendment does not create an underclass. Whatever date is picked, there will be millions of illegal aliens in the United States who simply do not come forward, and the gentleman knows that.

Mr. FRANK. I know that, and that is why I did not say what the gentleman has corrected.

Mr. FISH. But it is not the Lungren group that created those here now.

Mr. FRANK. I am going to respond to the gentleman from New York. What I said was that inevitably there will be a line, and some people will be put in that position of being subject to the sanctions and not working.

Mr. FISH. All right.

Mr. FRANK. By picking a 1980 date rather than a 1982 date, I think we greatly increase that number. So I think the workings of this amendment are to increase by a substantial amount—no one knows exactly how much—the number of people who will be in that very vulnerable underclass situation.

Mr. FISH. If the gentleman will yield further—

Mr. FRANK. I want to finish the statement. I will get more time.

Mr. FISH. I want to respond to the gentleman, and I cannot.

Mr. FRANK. When the gentleman gets his time, he can do whatever he wants.

Mr. FISH. All right.

Mr. FRANK. But I want to respond to the point, because the gentleman misstated my assertion. I did not say that the gentleman from California was creating, by himself, an underclass.

What I am saying is that the effect of this amendment, along with sanctions, will be to make that underclass a larger pool than it would be. There would be under the committee bill. But I think having a 4½-year period in which we have people's vulnerability building up is much more of a problem than the 2½ years and serves no countervailing purpose.

Mr. FISH. If the gentleman will yield further, I am sure the gentleman is aware of the fact that on two occasions, the last being last fall, the other body, the U.S. Senate, voted about 4 to 1 in favor of employer sanctions and the two-tier legalization which they did not consider harsh nor punitive.

Mr. FRANK. That I did not consider harsh nor punitive or the Senate did not?

Mr. FISH. The gentleman characterized it as such. They, by a margin of 4 to 1, did not agree with the gentleman.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has again expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 3 additional minutes.)

Mr. FRANK. If the gentleman from New York is making the point that the Senate sometimes does things of which I do not approve, I will not disagree whatsoever. Citing the fact that the other body has done something seems to me less persuasive of its automatic rectitude than it is to the gentleman from New York, but he is entitled to his opinion.

The fact is the fact. And I should add, by the way, that that makes me feel even stronger because what happens here is there is some difference between the two bodies. If we adopt the amendment of the gentleman from California, we are locked into those dates; we guarantee that anyone who got here after January 1, 1980, will be in that extraordinarily vulnerable position and, yes, we will have some people after January 1, 1982, but the gentleman from California is simply expanding by 2 years the pool of people in that position and, as I said, for no countervailing purpose that is clear to me.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Chairman, the gentleman made the assertion that, in fact, and it was followed up by the chairman of our subcommittee, that this is a balanced approach which we arrived at; we tried to make sure that both sides, or all different sides, were looked at, and we had this very nicely compromised proposal before us that somehow my amendment is upsetting.

If the gentleman will remember, we passed out of subcommittee a date

that was 1981. The gentleman had the amendment before the full committee that, I must say, passed basically on partisan lines that changed the date to where we are now. So we have had dates changing ever since we have been involved in this bill, and to suggest that one necessarily is a greater compromise, with more thought to it, I know the gentleman does not believe that. I know the gentleman believes very sincerely that his date is right, and I believe very sincerely that my date is right.

Part of it is political, I want to make sure we get a legalization. But I say to the gentleman that I have supported this amendment for some period of time before I even knew that we were going to have difficulty on the floor on legalization.

Mr. FRANK. I understand that, but I say to the gentleman, the point is that time marches on. A date that was valid a year ago is no longer valid, at least on the assumptions that I have, which is that a big time lag builds up. Yes, we reported out an earlier date. I always thought that it had to be adjusted, and the fact is that when we reported out a 1981 date, that was in a much earlier period, the gentleman and I both had expectations that this bill might come up sooner and, yes, I think that requires some adjustment.

So the fact that there was an earlier date at a much earlier period does not invalidate my point. My problem is, I still do not understand why, other than to get some votes, which is a perfectly valid business that most of us are in most of the time, what the difference is between 1980 and 1982. I know what the difference is on the negative side. The difference on the negative side is, we have 2 more years of people in that desperate situation.

On the positive side, I suppose the argument is that a number of those people came here because they heard about legalization. I do not think that is a very valid point.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield further?

Mr. FRANK. Yes; I will yield to the gentleman from California.

Mr. LUNGREN. I might say to the gentleman that when I originally looked at this, I thought a 10-year time was appropriate. Then, for about 2 years, I settled on a 7-year period of time because it is consistent with what we have in the law now, allowing the Attorney General, in his discretion, to grant suspension of deportation under humanitarian reasons.

One of the reasons we have always had the 7 years in the law is that that is a substantial period of time with commitment to the community. What we are now talking about is 4½ years.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has again expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 2 additional minutes.)

Mr. FRANK. Mr. Chairman, the gentleman from California himself correctly said before that this legalization is unlike anything we have ever contemplated. I reject the analogy to the Attorney General's suspension of deportation. It is meant to be a case-by-case, individual thing. I do not think it is analogous.

I understand the gentleman wants some kind of statement of commitment to the community. These are people who have been here for several years. The legalization process itself takes some time. The gentleman and I both agree that legalization is not to be automatic; there is to be some showing of concern. I think that with a period that will be about 3 years, as the gentleman from Michigan pointed out, before it even starts that we can get that kind of showing.

I come back to being unhappy with, and I have to say to the gentleman, when we are talking about the compromise, obviously this is not the only change. The Panetta amendment also greatly disturbs me. I think what we have was a bill, when it came out of committee, that tried to deal, in my judgment, reasonably unsatisfactorily with all interests, because in a bill like this we cannot please everybody, that has become much more heavily weighted on the punitive side and is no longer, if this amendment is adopted, a bill that seems to me to have a sufficient degree of balance to be able to be supported, especially since on the other side, as the gentleman from New York has pointed out, your legalization date is already locked in.

Mr. LUNGREN. If the gentleman will yield further, I understand the gentleman says that times are different and now we have this. If we were to take the full weight of the gentleman's argument, then why does not the gentleman have an amendment before us to move this up another year, since we adopted the gentleman's amendment in committee to bring it up to 1982, a year ago in May, I believe it was.

Mr. FRANK. Because I did not, at the time, get to the Committee on Rules in time. I would agree, it should be earlier on.

I agree with the gentleman, and we both agree. I do not think either one of us considers that a central point. I think the gentleman could go back to 1979 and I could go back to 1983. There is an element of arbitrariness in every year, but there is also indisputably a difference between our positions.

Mr. LUNGREN. I agree.

Mr. FRANK. The gentleman has 2 additional years, and maybe it should be 4 additional years, or 6½, but the 2 was a big enough difference to make the point.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Chairman, just to take what little bit of time is left, let me once again salute the gentleman from Massachusetts and my colleague from California [Mr. LUNGREN]. The gentleman from Kentucky has had the great privilege of chairing this subcommittee for the last 4 years during which we labored mightily and yielded, we think, a very fine bill.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has again expired.

(On request of Mr. MAZZOLI and by unanimous consent, Mr. FRANK was allowed to proceed for 1 additional minute.)

Mr. MAZZOLI. Mr. Chairman, if the gentleman will yield further, the two gentlemen who have been perhaps the most responsible for getting us to this point, because they each represent a different spectrum on the ideological dial, but they each have a devotion to bringing to the House the best bill possible, are the gentleman from Massachusetts, my friend [Mr. FRANK], and the gentleman from California [Mr. LUNGREN], my esteemed friend and ranking member on the committee.

So I just want to take this moment to tell the House and to tell all who have observed these proceedings that it has been an absolute pleasure to work with these gentlemen. While they represent different views, they have each been devoted to getting a bill out there, and I salute the both of them.

Mr. FRANK. I thank the gentleman. I just want to add, I agree; the gentleman from California has been absolutely reasonable, up until now.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I favor legalization.

I am pleased to rise in support of the pending amendment, which provides a two-tiered legalization and sets appropriate eligibility cut-off dates. What has not been emphasized enough is that this amendment is an attempt to strike a fair balance between competing interests, and we have been challenged to present the positive side of this amendment, and I intend to attempt to do that.

Persons who entered the United States prior to January 1, 1977, under the amendment, may qualify for permanent resident status, and persons who entered prior to January 1, 1980, may qualify for temporary resident status—a transition status leading to permanent residence after 3 years. Cubans and Haitians who arrived prior to January 1, 1982, and meet certain other conditions also are covered

under the temporary resident provisions.

The two-tiered approach of this amendment attempts to balance the competing equities of different groups seeking legal status in the United States. The amendment has two major advantages over the approach of H.R. 1510. First, the amendment recognizes the efficacy of treating persons with many years of U.S. residence and significant attachments to the United States differently from individuals who arrived in a more recent time period. Second, the amendment recognizes that legalization is inappropriate for persons who lack the significant ties to this country that develop over substantial periods of U.S. residence. The Judiciary Committee, in the last Congress, endorsed the two-tiered 1977-80 approach. The Senate has twice endorsed this approach. In this Congress, however, the committee regrettably rejected that balanced approach, and by a narrow margin of 15 to 14 adopted a 1982 cut-off date.

Why do many of us favor a temporary transition status for persons who arrived in the 1977-80 period? The gentleman from California and I pointed out in our additional views to the Judiciary Committee report:

A temporary status gives an illegal alien (who lacks the equities of long-term U.S. residence) an opportunity to earn permanent residence through good conduct during a trial period. This is a reasonable requirement for someone who has chosen to enter or remain in the United States in violation of our laws.

The concept of the two-tiered legalization dates back to the Carter administration. "The purpose of granting a temporary status," President Carter informed Congress,

is to preserve a decision on the final status of these undocumented aliens, until much more precise information about their number, location, family size and economic situation can be collected and reviewed.

This amendment, by contrast, treats temporary residents much more generously by offering assurance of permanent residence after 3 years to persons who meet minimal requirements.

Immediate permanent residence for the 1977-80 group, as contemplated in H.R. 1510, is unfair to persons who have entered the country legally and now seek to reunify their families. This is because newly legalized permanent residents will be able to petition—in competition with permanent resident aliens who arrived in the United States lawfully—for spouses and unmarried sons and daughters under the second preference. Both must compete within the worldwide ceiling. The class of potential new petitioners in the early years will be much more manageable if we provide temporary status to the 1977-80 group.

Bearing in mind that any date leaves people in an illegal status, why is a 1980 cutoff date for legalization preferable to 1982? There are a number of reasons: First, a 1980 date appropriately excludes persons who came in response to active discussions of legalization by the Select Commission, the administration, and congressional committees. Second, a 1982 date undoubtedly embraces many people who came to seek employment with the intent to stay only temporarily. Many never anticipated permanent residence. They can be expected to return voluntarily to countries of origin unless we offer the prospect of permanent status. Third, humanitarian considerations that underly legalization do not dictate conferral of legal status on recent arrivals who have not built up equities.

The CHAIRMAN. The time of the gentleman from New York [Mr. FISH] has expired.

(By unanimous consent, Mr. FISH was allowed to proceed for 2 additional minutes.)

Mr. FISH. Mr. Chairman, fourth, the cost of public assistance that has been mentioned associated with a cutoff date of 1982 should give us pause. Those costs in the Judiciary Committee version of H.R. 1510 are approximately double the figure under the pending amendment. We are talking about \$5 billion, and I am talking of public assistance, not the additional educational costs involved.

Mr. Chairman, the proposals that we are considering on legalization represent a wide range of views. The option embraced in this amendment No. 46 provides a substantial legalization without subjecting us to the risk of a legalization that is overly broad and expensive. The amendment offered by the gentleman from California, in my view, represents an appropriate middle ground that Congress and the American people can embrace.

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to my friend, the gentleman from New York.

Mr. GARCIA. Mr. Chairman, I listened very carefully to what my colleague, the gentleman from New York, said. I am really interested to know where and how we are going to get the money to make sure that this process is put together in the way the gentleman described.

Mr. FISH. I am sorry, I do not understand the question.

Mr. GARCIA. Well, let me repeat it. The INS is going to need a great deal of money to implement this program.

Now, is there money that will be appropriated that the INS needs to make sure that the registering the two-tiered system is in place, and that people will be able to come forth, and that the INS will have the personnel to handle this?

Mr. FISH. Any date we pick, whether it is one tier or two tiers, is going to involve enormous administrative costs. This has been planned and worked on and prepared by the INS. It was ready a year ago, long before we had the bill on the floor.

The CHAIRMAN. The time of the gentleman from New York [Mr. FISH] has again expired.

(On request of Mr. MAZZOLI, and by unanimous consent, Mr. FISH was allowed to proceed for 2 additional minutes.)

Mr. FISH. Mr. Chairman, if I may continue, the process is going to involve initially voluntary agency store fronts where people in undocumented status can go and seek advice before going to see the man in uniform to get some assurance that they will be legalized.

Mr. GARCIA. Mr. Chairman, will the gentleman yield further?

Mr. FISH. I yield to the gentleman from New York.

Mr. GARCIA. Mr. Chairman, the reason I asked that question of my colleague, the gentleman from New York, is that from 1979 through 1981 I chaired the Census Subcommittee, and during that period of time I traveled throughout this country, and one of the areas that I really concentrated a great deal on was the Catholic Church. I went to the churches in various parts of the country, in the Southwest, in the Far West, and up here in the Northeast, and I met with a group of archbishops in a town just north of Miami to discuss their involvement in the question of the census and to get the people involved.

I did everything humanly possible with the church to try to make them understand that everything we did was confidential, and the church had a problem with it. They were reluctant to get involved. They were concerned with the question of the imprisonment of the Japanese at the outset of World War II. They were concerned that some of the census tracks they had heard about had been taken, and that that is how they obtained the names of these people.

The point I am trying to make, I guess, to my colleague, the gentleman from New York, is that there is no way we are going to have a legalization, whether it is 1 tier, 2 tiers, 5 tiers, or 10 tiers, without the help of the groups the gentleman described very well, and in particular, the Catholic Church.

Now, I would venture to say that at this particular moment in history it seems to me that there may be some reluctance on the part of the Catholic Church. They are not going to go to a person sitting at a desk at 26 Federal Plaza in New York; they will go to the church.

The CHAIRMAN. The time of the gentleman from New York [Mr. FISH] has again expired.

(On request of Mr. GARCIA, and by unanimous consent, Mr. FISH was allowed to proceed for 2 additional minutes.)

Mr. GARCIA. So, Mr. Chairman, if the gentleman will yield further, just to finish my point, it seems to me that while we are talking about all of this, there is going to be a great deal of help that these people are going to need if we want their help, and that is financial help. If we are going to register people, those community-based groups and organizations are going to need the financing.

Whatever we have talked about here, it seems to me, with my colleague, the gentleman from New York, I just see a reluctance on the part of these groups we are going to need to help us. It seems to me, bearing upon the Lungren amendment, that if we just had a flat 1982 cutoff date, that, I think, would be the appropriate way to go, because I think in many instances there are many people who are being hurt badly by employer sanctions and who are being stripped of a great deal of dignity, and the least we can come out of this with at this particular moment in the history of this bill is to at least have a 1982 cutoff date, which everybody can understand, which is simple, and which people would not be afraid to administer.

□ 1420

Mr. FISH. If I could regain my time, the chairman of the subcommittee I think wanted to respond to the question of the gentleman from New York.

I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding to the gentleman from Kentucky. Let me just make a couple brief points.

I salute the gentleman from New York [Mr. GARCIA] for having been very active in the debate and having brought to the attention of the House some very important points that we must consider.

One of the points the gentleman has just brought up is the fact that the Catholic Church and other churches would have to play a part, and that is true. To the gentleman from New York, my trusted helpmate in this effort, he knows that in the bill we provide that there be an expanded outreach involving labor unions and churches. As a matter of fact, under the amendment offered by the gentleman from Florida [Mr. FASCELL] we can even have other organizations involved in this first outreach.

Second, I would assure the gentleman from New York, if he would read page 92 of the committee print at line 22 in which we say that all the records

involved in this application process are private, they are secure, they are not available to the Immigration Service in order to perhaps establish a paper trail to the undocumented. We want to make sure that this is no facade.

The CHAIRMAN. The time of the gentleman from New York has expired.

(At the request of Mr. MAZZOLI, and by unanimous consent, Mr. FISH was allowed to proceed for 1 additional minute.)

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. FISH. I would be happy to yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding.

Last, I think, just to remind the House perhaps, on Friday last we adopted two amendments by agreement in which we extend the application period to 18 months in order to make sure that the people really can come forward, make it easier for them.

Last, but not least, we also adopted an amendment which changes the idea of the continuity of continuous residency. We accept the fact that there may be incidental minor inconsequential breaks in this continuity and that would not disqualify people from establishing when they have been here.

So I would suggest to the gentleman from New York that many of his concerns which arose from his chairmanship of the Census Committee have been dealt with by this committee and I thank the gentleman.

Mr. FISH. Mr. Chairman, I ask for a yes vote on the pending amendment.

Mr. RODINO. Mr. Chairman, I rise in support of the legalization provisions of H.R. 1510 as reported by the Judiciary Committee and to urge rejection of amendments that would strike legalization from the bill or dilute the formula of the committee bill.

I have supported some form of legalization since 1975, because it is necessary to the fair functioning of the employer-sanctions provisions in the bill. I support the legalization terms now in H.R. 1510 because they provide for a decent, just, and humane resolution of a long-festering condition that leaves decent human beings existing in a calous world of indignity and exploitation.

If we do not preserve the legalization formula in the committee bill, we will be condemning unknown millions of hard-working, law-abiding people—and their children—to an inhumane existence, with the constant dread of discovery and the protection of our laws denied them.

When the Immigration Reform and Control Act was first introduced in early 1982, it proposed a two-tiered legalization using the dates of 1978 and 1980 set forth in one of the amendments we will soon take up. If this

amendment were to be adopted, we will have failed to move the legalization cutoff to coincide with the passage of time and will, in fact, have gone backward from where we were in 1982.

These amendments basically say there is nothing wrong with allowing the United States to be a nation in which some people enjoy the full protections of our laws, and some do not. I simply cannot accept that proposition. It is unfair; it is unequal, and it is impractical.

It is unfair and unequal, because it treats one class of people in two different ways: Allowing some to assert their legal rights and participate openly in our society, while forcing others to live in the back alleys of society. And it is impractical, because it is impossible to track down, round up and deport 2 or 3 million people.

The amendment to be offered by the gentleman from Florida [Mr. SHAW] changes the date from 1982 to 1980. While less onerous than the two-tier approach, the 1980 date would go a long way toward negating the very essence of the legalization program: to reach as many people as possible in fairness and equity, within the bounds of administrative practicality.

Mr. McCOLLUM's amendment would strike the legalization program entirely. If this were to be done, the evils of the status quo would be perpetuated, dooming untold millions of men, women, and children to continuing lives of fear and abuse.

The Judiciary Committee established the 1982 cutoff date after many months of study and hearings. The committee chose the 1982 date, because it would be current but would not cover any aliens who, upon hearing of pending legislation, would make a mad rush across the border to benefit from it.

Legalization serves two purposes. It brings the subrosa undocumented population of our country out of the shadows and lets them live as free human beings, no longer afraid to send their children to schools, to register and vote, to collect from a social security system to which they contribute, to get refunds on the tax dollars they have paid, to enjoy all the rights and freedoms that this Nation offers to lawful members of its society.

The second purpose of legalization is to put our mistakes behind us by admitting that we have done a poor job in preventing illegal immigration and by resolving to wipe the slate clean so that the Immigration Service can concentrate on stopping future illegal immigration.

Mr. Chairman, I feel very deeply about this: We have spent a long time grappling with this issue: By adhering to the 1982 cutoff date, we will strike a blow for humanity and decency. We will enable this underground popula-

tion to live indignity and become productive, participating members of our society. These people are for the most part an asset—not a burden—to this great Nation. They are people who own homes, pay taxes, have children, and enrich our communities.

Our committee drafted the legalization provision with great care and deliberation. I feel very strongly that these provisions best conform to the purposes of the legislation program and that they will redress injustice and promote good will in our communities.

Mr. RODINO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, let me make it clear that I believe that the proponent of this amendment, the gentleman from California, is certainly well intentioned and I know that he has worked very, very diligently and with a great deal of concern to pass this bill. I am sure he recognizes that a balance is essential if we are to pass the immigration reform control bill. Certainly, the bill should contain both employer sanctions which we have now adopted, and—in order to ensure that the bill is balanced—legalization.

There is an undocumented society that lives here. It is presently a society composed of decent people who come here for only one reason: to find work so they could provide for themselves and their families. They have been working diligently, paying taxes and, indeed, have become part of our society, except that they are a shadow part of that society.

Do we not want to give them the opportunity to be not only productive, but to come forward and to live a decent life, to live as other members of society live?

The gentleman from New York suggested that many of these individuals who have come here since 1980 may have come to work only for a temporary period of time, to stay here only temporarily. If that be the case, then those individuals will not come forward if we adopt the provision that is in the committee bill which would have a cutoff date of 1982 and which would not make them eligible until 5 years later for any of the benefits, but would give them an opportunity to actually have permanent resident status.

I believe the question of cost which is a factor has to be weighed against the question of the cost to those individuals who from 1980 to 1982 are here, who would no longer be permitted to work in new jobs because of the sanctions provisions that we now have adopted.

I think that we would be doing not only a disservice to ourselves, but we would be acting inconsistently with what we are attempting to do and that

is to recognize a fact of life, that these people are here and we ought to come as close as we can to the current date, allowing for the greatest number to be given this opportunity to become legal.

Mr. Chairman, I have worked on this legislation for a great period of time. Without legalization, there can be no immigration reform bill, but beyond that, there is a case of being realistic and recognizing these facts.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(By unanimous consent, Mr. RODINO was allowed to proceed for 2 additional minutes.)

Mr. RODINO. Without that, Mr. Chairman, I think that we do not only a disservice to ourselves, as I said, but we are really being unrealistic. We are not recognizing that we would be leaving the undocumented who have come in from 1980 up to 1982 in limbo.

I do not know whether those individuals who came in from 1978 to 1980, and who would be given temporary resident status believe it is going to be worth their while to come forward. I do not know what the answer to that question might be, but I do know that the post-1982 people like their predecessors, are presently engaged in employment, have paid into income taxes and have done whatever they possibly can to show they are part of this society. We should not now cut them off and say that they will now belong to a class that is in legal limbo.

I think that this House cannot and should not act in this manner, and should have the bill that is before us and its provision of a 1982 cutoff date adopted by the House.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield on that point, since he addressed a question that I do not believe is rhetorical?

Mr. RODINO. I yield to the gentleman from California.

Mr. LUNGREN. What I would say to those people is this, "You will be given an opportunity to earn permanent legal status in this Nation."

We are not granting blanket amnesty. We are setting a carefully drawn program in which we feel that you have to show that you have a commitment, a long-term commitment to this country, in order to receive the fruits or the benefits of this society. That is what I would say to them.

Mr. RODINO. It is well for the gentleman to state that, but I think the message that is going to be given to those people now if we were to adopt the amendment of the gentleman is to say that those people have yet another road to go down and again you are going to be putting obstacles in their path.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(By unanimous consent, Mr. RODINO was allowed to proceed for 1 additional minute.)

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Kentucky.

□ 1430

Mr. MAZZOLI. Let me salute the gentleman from New Jersey, the distinguished chairman of our committee on an absolutely eloquent statement in behalf of the correct proposition, and that is that a bill without legalization is no bill at all, and that the House formula, the formula that is in the committee bill, is a superior formula to the good faith offering of my friend from California.

The gentleman from New Jersey, to all those who are here today and observing these proceedings, is the one person in this Nation who understands this whole area of the law better, and he is the one who can actually give us the guidance we need to craft what we hope to be the genuine, humane, and decent immigration reform.

So I salute the gentleman on his many years of hard work. I salute him on bringing us to this point, and I thank him for that statement.

Mr. McCOLLUM. Mr. Chairman, I move to strike the requisite number of words.

If we are to regain control of our borders, it is absolutely essential that we finish the amendment process on this bill—that we pass it and send it to conference with the Senate.

Although I have an amendment coming up later to strike the legalization section, and strongly urge you to vote with me on it, I intend to vote for the Lungren amendment as it improves the bill and it would be much better to have the Lungren legalization structure in place should my amendment fail.

Now let's look at what's wrong with amnesty and why the American people want it stricken from this bill and why the majority of this body should vote to delete it altogether.

First of all, granting legal status to millions who were here on January 1, 1982, or January 1, 1980, as in the Lungren amendment, either one, would be a slap in the face to the millions who have stood in line around the world for years waiting to come to this country legally. We have been taking in on the average somewhere between 450,000 and 500,000 immigrants legally each year for the past few years, plus refugees. There are anywhere from 3 to 12 million illegals who could come forward in 1 year and gain a status leading to citizenship if the legalization provisions remain. That is just not right. It is a reward to lawbreakers and is very unfair to those who have stood in line for their opportunity to come legally.

Second, the passage of the immigration bill with the amnesty provisions in it will be a magnet that will encourage thousands, possibly millions more, to come across our borders in the hope that they can fake their way and fool the authorities with fraudulent documents in order to qualify under the provisions of this bill or in the belief that once we have given this one-shot amnesty, we will give it again in a few years, as has happened numerous times in the past. This new magnet will draw others across the border; it will neuter the employer sanctions provisions of this bill which are designed to eliminate the magnet of jobs and the economic rewards that pull people here.

Additionally, the legalization provisions will distort the existing balance in our immigration laws. Some counties in regions of the world from which most of the illegals have come will have placed far, far more than their proportional share would normally allow into the stream of immigrants programmed to become American citizens. This not only means a dramatic change in our historical patterns and mix of immigration to our country, but it also means a great potential future distortion in these patterns as those who are grandfathered in by the legalization provisions become citizens and thereby automatically make many relatives eligible under our present preference system in the legal immigration laws. This multiplier effect could be enormous.

Lastly, there is an undeterminable expense to American taxpayers involved in any amnesty program. Not only are there millions of dollars of attendant costs to carry out the program, there are millions and millions of dollars to be spent by local, State, and Federal taxpayers as additional burdens on social services and educational systems come about when legalization is in effect.

For all of these reasons, it seems to me to be quite wrong to pass the legalization provisions of this bill. Without these provisions, the bill will still accomplish the goals of immigration control. In fact, in the earlier efforts to regain control of our borders in 1971 and 1972, bills passed this House incorporating employer sanctions without any mention of legalization or amnesty. The problems are the same today—they are just worse and there is no reason to add a bad provision to a good bill in the name of getting some imagined consensus to pass a bill.

There are those who argue that there will be some mass deportation of illegals and their families if we strike the legalization provisions. That just isn't so. The INS does not have the manpower or the capability of any such massive roundup. Things would go on just as they are now with occa-

sional raids where illegals are working and over a period of time, as employer sanctions took effect, there would be a gradual movement back across the border by those who are no longer able to get work in this country. Some would stay, and some would be apprehended, but there would be no more disruption and no more arrests than we've been having all along, and over a period of time there would be much less.

It should be noted that even if my amendment to strike legalization passes, there is a safety net in this bill for those who have been residing in the United States continuously since on or before January 1, 1973. This is the so-called registry date. If an illegal has been here continuously since January 1, 1973, the Attorney General, on a case-by-case basis, could legalize that alien by granting permanent residence status. Since this date is 10 or 12 years back, it does not pose the kind of problems that the current dates in this bill for legalization do. The current registry date is 1948, and the last time that was updated was 19 years ago. Obviously, too much time has passed since we have advanced the registry date, and this needs to be reviewed and updated periodically, and I would support efforts to provide for this.

Please make no mistake—I am speaking for the Lungren amendment only as insurance if my amendment to strike should fail. Lungren provides for a two-tiered system, but the bottom line is that the amnesty date would be January 1, 1980. Under the bill as it now reads, it's January 1, 1982, and the same January 1, 1982 date would exist if the Wright amendment were to be adopted; 1980 is preferable to 1982, but what we really should do is strike legalization altogether and go with the registry date of January 1, 1973 that is in the bill. I urge my colleagues to vote for the Lungren amendment, against the Wright amendment, and later to strike all of the legalization provisions by voting for the McCollum amendment.

The CHAIRMAN. The time of the gentleman from Florida [Mr. McCollum] has expired.

(By unanimous consent Mr. McCollum was allowed to proceed for 2 additional minutes.)

Mr. MAZZOLI. Will the gentleman yield?

Mr. McCOLLUM. I am happy to yield to the distinguished chairman of the subcommittee.

Mr. MAZZOLI. I thank my friend for yielding. He has been one of the most diligent workers in his 4 years in Congress, all 4 of which were spent on this subcommittee. The gentleman has impressed the gentleman from Kentucky not only with respect to your knowledge of the law but with your willingness to work. I would therefore ask my friend, whose amendment to

strike, of course, I very seriously oppose, if the gentleman, as he has done all the way through in this process, would the gentleman still support the bill in the event that the gentleman from California's amendment were voted down, and the gentleman's amendment were not supported?

Mr. McCOLLUM. Reclaiming my time, it is my judgment we have reached the point where employer sanctions and the adjudication provisions in the bill are so important that no matter what happens to the legalization provision, whether the amendments are all stricken down, whether my amendment passes, whether the Lungren amendment passes, however the form goes—

The CHAIRMAN. The time of the gentleman from Florida [Mr. McCollum] has again expired.

(On request of Mr. MAZZOLI and by unanimous consent Mr. McCollum was allowed to proceed for 2 additional minutes.)

Mr. McCOLLUM. We should pass this bill. It is too important a bill to let die here and I urge, I implore my colleagues who have strong feelings on both sides, to listen to that kind of logic because this bill, the guts of this bill, the employer sanctions and the adjudication provisions, are absolutely essential to regain control of our borders.

Mr. MAZZOLI. If the gentleman will yield further, let me salute the gentleman on a wonderfully eloquent statement. The gentleman has again, as he has shown through his 4 years, each year of which the gentleman's amendment has been offered and defeated in the subcommittee and in the full committee, the gentleman continues to offer to the House and to the country a willingness to try to work out the best of a very difficult subject. Let me thank the gentleman. I hope all who are here and those who are observing the proceedings recognize what my friend has said. It is a very difficult position for the gentleman to reach. He has reached it through intellectual honesty and through knowledge of the subject matter and courage, and I thank him for that and I hope that all the Members will, despite what happens on these amendments, will support the committee bill on final passage.

Mr. FRANK. Will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding. I guess I want to say, to reiterate from my standpoint, the guts of this bill will be lying all over the floor if this amendment passes. I am afraid I will not be able to support it and I may have to even give back one of my salutes to my distinguished chairman, which I will regret.

□ 1440

But I just wanted to stress the point, and I appreciate the gentleman's honesty, he is speaking for the Lungren amendment from the standpoint of someone who is against the whole legalization process. From that standpoint it makes sense. If you are not for legalization, then you are for less legalization than we have got. But if you support the concept of legalization, the 1980 date is an illogical one.

So I appreciate the honesty of the gentleman from Florida; he is against the whole concept; he will take half legalization rather than have the whole thing, but he really would rather have nothing at all. And I think he has put it in the best possible perspective.

I yield back.

Mr. McCOLLUM. If I might take back my time, Mr. Chairman, the fact is I think the gentleman from Massachusetts has done an admirable job on the subcommittee up to this point; he is dead wrong about his concern about voting for this bill—whatever happens on legalization. We have got a good bill, we need to vote for it, whatever happens. I happen to believe that legalization is wrong, it should not be in here, and as a matter of principle I am moving to strike it.

The gentleman ought to express his views, but I hope that whatever the outcome of the legalization votes, the gentleman from Massachusetts will join me in voting for final passage of this bill.

The CHAIRMAN. The time of the gentleman from Florida [Mr. McCollum] has expired.

(By unanimous consent, Mr. McCollum was allowed to proceed for 2 additional minutes.)

Mr. McCOLLUM. But it is absolutely essential that we get the employer sanctions provisions in this bill. It is nonsense to say that the legalization provisions are essential to the workings of this bill for balance. Balance in this bill comes from the fact that we have employer sanctions and adjudications provisions and will only come if we strike legalization and allow the currently existing, balanced immigration laws of our country to work in the right proportions that historically we have had in this country. It is essential for this bill to maintain legalization and in fact it is wrong and unjust to keep it. And I am sorry to hear the gentleman say that he personally cannot support the bill if we take it out.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I will have to concede that the gentleman is my superior at contortion and gymnastics. Maybe he can balance on one arm, but I cannot, even in my present

new figure. To have sanctions and no legalization is to say to several million people in this country: "You are here illegally and you cannot work."

And the gentleman agrees we cannot physically remove them, he is not advocating that. So what we are really saying is, "You are here illegally and you cannot work and over the next 5 or 6 years we will wait for you to trick-le out of here."

I do not think it is in the interests of any society to create such a class. The first time in American history that I can think of we have people to whom we say, "We understand you are not here legally, we understand we cannot get rid of you. Therefore what we are going to do is make sure that you cannot earn an honest living."

Mr. McCOLLUM. Reclaiming my time, the gentleman should know full well that regardless of what amendments are adopted, whether legalization remains as it is now or not, there are going to be a lot of illegals in this country and there are going to be a lot of them trickling out. So it is only a matter of degree.

Mr. FRANK. We make our living on matters of degree.

Mr. McCOLLUM. Keeping my time, it is a question of what kind of magnet we are going to have, what kind of a slap in the face to those who have been waiting in line to come here legally and whether or not we are going to make our laws stand up and mean what we say or are going to reward lawbreakers.

I think the gentleman on that particular point is again, as I said earlier, dead wrong. We need to have the legalization provisions stricken. I do urge, though, a vote for the Lungren amendment, a "no" on the Wright amendment when it comes up and then a vote for my amendment to strike legalization, and put some commonsense, fairness, and responsibility back into this bill and allow us to go to conference with employer sanctions and adjudications.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

If those who are listening to this debate think they are confused, how do you think the poor illegal alien who is trying to figure out whether he can get in on the amnesty provisions of this particular amendment is going to come out?

Let me try to put this in a little perspective. I have been on the Judiciary Committee now for almost 14 years. I was on the Immigration Subcommittee the very first time I was here. I went with Chairman ROBINO, then chairing it, to the Mexican border; we held hearings in Los Angeles and El Paso, New York and Chicago, and we talked to aliens in detention camps who were waiting to be shipped back to their countries of origin.

And I have voted for a pure employer sanctions bill twice in this House. And I say to my friend from Florida [Mr. McCOLLUM], that it failed, and one of the reasons that it failed was because we had not taken into account the other side of the equation, that is dealing with the situation of the millions of illegal aliens who are already here.

Now I also happen to think that if we just take a legalistic approach and think that any statute is going to solve the problem of illegal immigration in this country, we are kidding ourselves. Until and unless we can help our good neighbors to the south of the border get their economies to the point where their people can find work in their own countries, we are going to continue to have illegal immigration from that area. If there aren't jobs in Mexico and their population continues to expand, as it will, then more and more people will be in dire poverty. We are going to have more and more illegal immigration into the United States, regardless of any legislation we enact.

And if you know anything about the border down there and how rugged it is, you will know that there is no way that you can physically keep them out.

Nevertheless, we must get our immigration problem under control, to the extent that that is possible through legislation. And the two keys to this are: First, employer sanctions; and second, legalization for those who are already here.

Now this is not just a humanitarian gesture; though indeed it is a humanitarian act. Illegal aliens, because they fear discovery of their status, will not go to the law enforcement authorities when they are not being given standard wages. They will not go to law enforcement authorities when they are working in inhumane conditions or when their housing is substandard or when they are being abused in other ways. We owe it to them to correct these inhumane conditions, but we also owe it to our own citizens. This situation is dragging down our entire set of laws dealing with the conditions under which labor works in this country, and driving down wages.

Moreover, this festering situation is undermining our immigration laws and respect for law generally. So we must get a handle on it, and that requires that we maximize, not minimize, the number of illegal aliens who can come forward and declare themselves and feel at long last that the fear of being discovered has been lifted from them. If, as I believe, legalization is important, then what we ought to be doing is making it possible to bring the maximum number of illegal aliens under this umbrella.

Obviously you cannot make it the current date of enactment, whatever

that may be, because you may encourage more immigration. But I tell you, ladies and gentlemen, if you have been down to the border, and I was there as recently as last weekend, there is no way that the cut-off date is going to make an awful lot of difference, in terms of encouraging additional illegal immigration. Many Mexicans, for example, feel that it is a right, which they have been exercising for generations, to simply walk across the Rio Grande, which is very easy to do. Nevertheless, we have to have a cutoff at some time in the past. But there is no sense and no logic at all, I submit, putting it as far in the past as 1977.

And there is no sense and no logic in having a more complicated system. It is complicated enough even under the committee's bill. I submit to you that the committee's bill is about as far as we ought to go and that the idea of a two-tier system and pushing that date farther in the past just does not make any sense. So I strongly support the committee's bill and I oppose the Lungren amendment.

Mr. LEWIS of Florida. Mr. Chairman, I move to strike the requisite number of words.

I thank the Chairman.

Mr. Chairman, I rise in support of the gentleman's amendment, and I want to commend the gentleman from California—for offering it.

This amendment strikes at the heart of the bill.

Mr. Chairman, I come from a State that because of its location, is particularly susceptible to whatever decision the House makes today on the serious issue of legalization.

I firmly believe that to grant amnesty to those who have resided here illegally before January 1, 1982, would be a tragedy.

Such a decision flies in the face of those who have waited for years to immigrate to this country legally.

And it will make a mockery out of our immigration policy.

If the House retains the blanket amnesty provision now in the bill, I would have to say to those who are waiting to immigrate to this country through legal channels, "Sorry, you lose, you should have sneaked through the borders, falsified your papers, and kept a low profile."

Mr. Chairman, there are many aliens who have made investments in this country and who have obeyed our immigration laws.

While they are waiting to be granted permanent resident status under the present quota system, these people come to this country each year on their visitor's visa and then return to their homeland when their visas expire.

To grant amnesty to others whose visas have expired or who never had visas, but they managed to stay in this

country and avoid detection, is a slap in the face to those who have carefully obeyed our immigration laws.

And what do you think will happen if we grant this blanket amnesty?

The same thing we saw happen during the Mariel boatlift.

You and I know that INS is already so overworked and understaffed that there is no way this agency can process all of the millions of new applicants under this bill—even with the support of volunteer organizations.

Those aliens who have carefully followed our immigration laws and who now have paperwork in the mill will suffer.

INS will turn its attention to those massive numbers of new applicants under the amnesty provision and put the other work now in process on the back burner.

Mr. Chairman, every day caseworkers in my district offices receive calls from illegals asking for information.

The common question being, of course, "How soon do you think it will take them to catch up with me?"

Clearly there are illegals waiting and hoping that Congress will be deceived into thinking that we can only resolve the problem we have with millions of illegal aliens here in this country by granting them amnesty.

And believe me these illegal aliens know our immigration laws better than we do.

They know how to work the system so to speak.

Once here they find sympathetic community groups such as churches and local volunteer organizations.

Sooner or later they give every appearance of being here legally.

Mr. Chairman, illegal is illegal.

And I pose this question to my colleagues, "Is Congress prepared to take a stand against those who deliberately violate our laws?"

Those who prey upon our sense of sympathy and humaneness?

Or, are we going to resist the temptation to let our borders disintegrate and all semblance of control disappear?

The crash amnesty program in the House bill is far too generous and undermines our legal system.

Why do we feel we owe automatic privileges to those millions of people who blatantly break our immigration laws?

I say we should restore some respect and discipline to the legalization process.

Therefore I support the gentleman from California's amendment and I urge my colleagues to do the same.

□ 1450

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Florida. I yield to the gentleman from New York.

Mr. GARCIA. I thank the gentleman for yielding.

Mr. Chairman, there is no question that people have broken the law. They have crossed the borders and entered into our country without the necessary papers, without waiting in line.

But I think the overwhelming reason for their coming in is hunger. I do not know if the gentleman has ever been hungry. I think that hunger places the thought processes in a totally different direction. When you are hungry, you feel that you must do everything you can to curb that hunger. You have to find a job. And yet, if you cannot find a job where you are, you may try to go some where you think you can get a job.

You cannot fault people who are hungry for trying to feed themselves. I think some of those persons who the gentleman describes—and I am not saying that the gentleman is wrong, did arrive here illegally, but they also arrived here hungry. That is the difference.

The CHAIRMAN. The time of the gentleman from Florida [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS of Florida was allowed to proceed for 2 additional minutes.)

Mr. GARCIA. I say to my colleague from Florida, that politically, I know it is easier to go with the Lungren amendment than with the 1981 date.

But I hope that my colleague understands that so many of these people came here only for one reason—to build a decent life for themselves.

Mr. LEWIS of Florida. If I may reclaim my time, I sympathize with the gentleman. Yes, I have been hungry and I have been without shoes and I—like a lot of other Members in this Chamber—but I also recognize, as I mentioned in my statement, there are people who have been standing in lines, doing the legal thing to come into this country like our ancestors did and why should we say to them, "You were wrong. You should have been illegal." That is what I am stating.

Mr. GARCIA. If the gentleman would yield further, I am not going to quarrel with what the gentleman says, because what he says may very well be true.

But I would hope that my colleagues understand that many of these people who have come here have very little education, they really don't understand what a law is; they don't understand that you must get a visa. Not all of them, but most of them. You cannot fault people for simply trying to feed themselves.

I know that if I were hungry I could conceive that I might break the law. And if my children were hungry I would probably be even more inclined to break the law. I wouldn't want my children to be without food. That is all

that so many of these people wanted to do.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. I thank the gentleman for yielding.

I noticed the gentleman mentioned illegal is illegal. I think as we proceed and look for solutions I would like to engage the gentleman in a short colloquy. If his view prevails and the McCollum amendment passes, it seems that there are three choices for that shadow underclass.

Mr. LEWIS of Florida. If I may reclaim my time, I believe we are talking about the Lungren amendment.

The CHAIRMAN. The time of the gentleman from Florida [Mr. LEWIS] has again expired.

(At the request of Mr. RICHARDSON and by unanimous consent, Mr. LEWIS of Florida was allowed to proceed for 3 additional minutes.)

Mr. RICHARDSON. Three things could happen with that shadow underclass that is here for 3½ years.

One, there could be mass deportation. Now, I think resources and objectives of the INS indicate that this is probably not feasible, although perhaps the gentleman feels it might be.

Second, they are not going to leave voluntarily, a lot of these that will see the Simpson-Mazzoli bill passing on television and try to figure out whether they qualify or not.

The third option is the status quo. The status quo is what we have right now and I think the gentleman should recognize that the reason that we have many in this country in the status they are is because we have had no policy. We have had no immigration policy.

I would also like to mention to the gentleman, does he know the statistics about the contributions that many of these undocumented workers have had in this country in terms of job creation, paying their taxes, the low amount that the Government pays them in welfare services, and Social Security. The high amount that they pay into Social Security. Does the gentleman know that undocumented workers, 77 percent of them, pay into the Social Security system?

The gentleman is talking about illegals being illegal. But there are men and women who have come into this country that are contributing to society, that are parts of their communities—I can think right in the gentleman's own State of Florida, in Little Havana, a vibrant growing community of young people that want to be part of this country and they are patriotic. Should we treat them as illegals? Should we deport them? What is it that the gentleman suggests we do?

Mr. LEWIS of Florida. If I may reclaim my time, the gentleman is suggesting that we do need a legalization policy and that is what I was under the impression we were working on here today. But illegal is illegal. And when illegals are taking jobs and positions away from my constituents where they cannot have the opportunity to pay Social Security, then I have to be concerned about it.

This gentleman should also be concerned about that as well.

We do have a problem. We do need some sort of legalization policy, but certainly not a blanket amnesty like we are speaking about in this particular amendment.

Mr. MAZZOLI. Mr. Chairman, will the gentleman from Florida yield?

Mr. LEWIS of Florida. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

It has been a very interesting discussion.

I would just point out to the gentleman, as the gentleman from California [Mr. LUNGREN] has on a number of occasions, this is really not a blanket amnesty. This is a case-by-case adjudication of whether or not you entered here by such a date, whether or not you are excludable, that is whether you have had perhaps a criminal record or you have had a record of persecution.

So, really, and I respect the gentleman, and it is a very important topic to his home State, but I would just say that this is a case-by-case careful adjudication program of legalization and not, again with all respect, a program of blanket amnesty.

The CHAIRMAN. The time of the gentleman from Florida [Mr. LEWIS] has again expired.

(At the request of Mr. MAZZOLI and by unanimous consent, Mr. LEWIS of Florida was allowed to proceed for 2 additional minutes).

Mr. MAZZOLI. If the gentleman will continue to yield, as I was going to say, the fact of the matter is we were importuned at different stages of the development of this bill over the 4 years to, in fact, adopt a blanket amnesty program.

Well, we resisted that blandishment and that siren song in favor of this case-by-case approach.

So, we may differ on the offering of the gentleman from California. We may differ on the offering of my friend from Florida, your colleague [Mr. McCOLLUM]. But I think it is fair to say that this does not wave a wand and everybody's past is forgiven. Everybody will be examined on a case-by-case basis.

Mr. LEWIS of Florida. I happen to agree with the chairman of the subcommittee, but I must state this. It may not be a blanket, but it certainly is a large cover.

□ 1500

You are talking about 1 or 2 million illegal aliens to be on a case-by-case basis. But then when you go to the 1982 figure, you are talking about several million. That is a lot of illegals, Mr. Chairman.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Florida. I will be happy to yield to the gentleman from Florida.

Mr. McCOLLUM. A few minutes ago the gentleman from New Mexico, engaging you, was talking about what would happen, what will happen whether we pass the Lungren amendment or the McCollum amendment, or what is going to happen to all of the people we do not take in under this who are illegal, whatever happens today.

I think the clear fact is, as I said earlier, that nobody is going to deport them. That is not going to happen. But what is so terrible about a large portion of them going back across the border voluntarily when they do not have jobs? I think that is what is going to happen. That is why they came here in the first place, and that is what is going to happen to most of them over a period of time.

And, second, if they do not go back—we are always going to have some who do not—there is not going to be a very high percentage apprehended. They are going to ultimately find themselves in the position of meeting some grandfather position, but at least it will be a long enough way that whether it is Lungren—and I do not think it is long enough, personally, but some Members do—or McCollum, back in 1973, with a registry date updated some time in the near future, that they will be able to come in under it.

So I do not think that the argument should be on that basis of how terrible it is. Actually, it is good for them.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Florida. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. So the gentleman is telling me that, once Simpson-Mazzoli passes, those who are created in this shadow underclass, which I will state is my view—it is not the gentleman's view—what you are saying is that these men and women, after being in this—

The CHAIRMAN. The time of the gentleman from Florida [Mr. LEWIS] has again expired.

(On request of Mr. RICHARDSON and by unanimous consent, Mr. LEWIS of Florida was allowed to proceed for 1 additional minute.)

Mr. RICHARDSON. That these men and women, once this bill passes and we create, say, the Lungren amendment, are going to voluntarily return back to their country?

Is the gentleman telling me that this is what is going to happen after years of working and having roots in this country and establishing themselves as part of the American work force? Is the gentleman telling me that there is going to be a voluntary exodus?

Mr. McCOLLUM. Not of everyone. I am telling you that a large number will, because a large number of them, as has been pointed out earlier in debate, are not here with years of established roots but come and go across the border, as this gentleman has seen, and I am sure that gentleman has, on a yearly basis, or maybe earlier. They have family ties back in Mexico or in other countries. They only come here to earn money. They will be able to have a chance to come here legally if the Simpson-Mazzoli bill passes without legalization under a temporary worker program or under an H-2 program, whatever is finally crafted in conference, and they will have no reason or excuse to stay here.

Now, ultimately, I think there will be a few who do. But the vast majority, yes, this gentleman is telling you, have every reason to go back or get into the legal process in some fashion, which is where we should have them all along.

Mr. RICHARDSON. I would suggest that what they might do, since we have also passed the Panetta amendment and you will see many going back, and then perhaps reapplying under the Panetta amendment, since what we seem to be doing is a bit contradictory. The two gentlemen tell me what we are trying to do is preserve American jobs. Yes; we want to do that, and that should be a goal. But at the same time it is difficult to justify that when I believe both gentlemen supported the Panetta amendment which imports close to half a million guest workers into this country. I mean is not what we are doing a bit contradictory?

Mr. McCOLLUM. If the gentleman will yield, I think there is a real problem on the employment question here that has not been discussed at all in this debate, and that real problem centers around what happens if we grant legalization, we then have a lot of workers who are now in lesser employed jobs who get lower pay, who are going to probably move into the higher paying markets. They will be squeezing out more American workers. If we look at it—

The CHAIRMAN. The time of the gentleman from Florida [Mr. LEWIS] has again expired.

Mr. McCOLLUM. Mr. Chairman, I ask unanimous consent that the gentleman from Florida [Mr. LEWIS] be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. McKINNEY. Mr. Chairman, reserving the right to object, I will object, after this, for another extension of time. The speaker in the well has been in the well for practically half an hour, and I think it might be interesting for others to make their points of view clear to the House.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield under his reservation?

Mr. McKINNEY. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Would my friend who joined me here in this place in 1971 perhaps consider withholding his objection? An important debate is taking place, which not only deals with the amendment offered by the gentleman from California, but also deals with the amendment offered by the gentleman from Florida [Mr. McCOLLUM] and all of the other offerings.

I think really we are taking time, but I think we are in effect establishing the whole question of legalization. The gentleman from Florida has been there perhaps not even 10 minutes. The gentleman from Kentucky is not standing up to speak. So I would ask the gentleman if he might consider withholding his objection.

Mr. McKINNEY. Further reserving the right to object, Mr. Chairman, I will just simply say that I will obviously yield to the wishes of my good friend, the chairman of the subcommittee. I just think there are others of us who would like to talk about other aspects of this bill, and it is impossible to do it under this form of debate.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Chairman, will the gentleman continue to yield?

Mr. LEWIS of Florida. I continue to yield to the gentleman.

Mr. McCOLLUM. The gentleman was yielding to me to make a point that I would like to make about employment.

The fact is that if we allow the legalization provision to go through and we legalize several million illegals right now, there is going to be a multiplier effect take place very quickly. We have no ceiling or quota for immediate family relatives. They are immediately, once they become citizens down the road, and after permanent residence alien status is complied with, they are going to be able to bring in a lot of other people. And, as a consequence of that, there is going to be a tremendous pressure on jobs in this country. So I think those who are concerned about

jobs ought to be concerned about that fact.

May I make one additional point on the gentleman's time? If these folks go back, in addition to being able to possibly come in under Panetta-Morrison amendment to do temporary work, they might get visa numbers and come in legally, like anybody else. And plus if they have been here for 7 years, even, they could get suspensions of deportation based on extreme hardship. And if they have been here long enough, they will get caught in the registry dates in the bill, which ought to be moved up periodically.

So, there are a lot of escape valves. I think the concern over what happens with people if we do not pass legalization or if we shorten or lengthen the time is sadly mistaken and misplaced. I think the gentleman has made a good statement, and we should support the Lungren amendment, as well as ultimately the McCollum amendment.

Mr. LEWIS of Florida. I thank the gentleman.

In responding to the gentleman from New Mexico on the Panetta amendment, yes, I did, but you are comparing apples with oranges, because those people under the Panetta amendment must come into this country with visas. When their visas are expired, then they must return to their home countries.

I ask my colleagues to support the Lungren amendment.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are several different things that are disturbing about this amendment. First of all, the two-tier legalization process creates a different class, two classes within the legalization program.

May I be the first to suggest that there may be something inherently discriminatory that will serve as a disincentive for the undocumented to come forward and participate in a legalization program of this nature.

I think it is very clear that we will be able to ostracize, segregate, and harass one small segment of that population that is now created by this amendment. I find it most unacceptable and hope that it will be very, very carefully rejected.

The second consideration is that the two-tier system of legalization diminishes the number of people who are going to be legalized. And I cannot help suspect that that might be one of the objectives of the two-tier program. With all candor, we now have figures from a couple of our agencies that suggest that that might happen.

The INS itself has estimated that under the two-tier system only 38 percent of the current undocumented population would be eligible for legalization, 38 percent.

Now, in addition to that, the Congressional Budget Office has estimated only 60 percent of those eligible will ever actually seek to be legalized. What does that mean? That about 23 percent of the current undocumented population will actually apply.

It is also important to keep in mind that in all of the countries which have had legalization programs, fewer persons have applied for legalization than were expected.

So notwithstanding the wave and hoards of people coming forward for legalization, I think that there will be a great disincentive, more particularly with a two-tier legalization program.

Now, we have heard constantly here reference to immigrants and aliens who know the immigration law better than we do. Well, I think the gentleman from Ohio [Mr. SEIBERLING] may be more correct when he said that anybody who thought they knew the law is certainly fairly confused about the legalization program as it exists now.

And, finally, I think there is an administrative nightmare on our hands, and maybe that is not wanted, maybe some do not care, maybe we will leave it to the future for it to work itself out. But let us just face it, how do we know that INS is capable and effective and willing to operate with a two-tier program?

But more importantly, how do we know that Congress is willing to appropriate the money that is going to be necessary to effectuate a two-tier program?

If anybody can suggest to me, now that we are in the era of cost cutting and budget balancing and Reaganizing the Federal bureaucracy, that we are now at this point going to be able to come forward with a stupendous sum of money, I do not think it will happen. And the result will be that only a fraction of those who thought they would be covered under the one humane part of the program, will find that it was a hoax, that it does not work.

□ 1510

I am beginning to think that the legalization program, with its many qualifications and restrictions, we understand that there are about 33 grounds for exclusion right now, is never going to work. I have sincere doubts about the two-tier program, and I am led to remind myself of the debate last year in which I objected to someone talking about how sanctions and legalization go together like love and marriage. I thought that was the world's worst analogy.

Now I am being told that we do not even need the legalization program; that we are going to do a balancing act without any legalization program at

all, or better yet, with a two-tier program.

I think I am going to have to remind the Members now that the labor movement has regained consciousness in the United States and they have now come out against this bill. They do not like it, and I am afraid I do not either.

Mr. McKINNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it would be remiss for me to talk publicly on this bill for the first time without congratulating both the chairman of the subcommittee and the ranking member of the subcommittee for an incredible job well done. It is with a deep amount of sadness, really, that I stand up to oppose very strongly, the particular amendments people desire to put on the provision dealing with "amnesty" in 1982.

I have listened to what I have called the California-Texas-Florida debate for quite some time, and I am very aware of the problems those States have. However, it seems to me that we in the Northeast can express some concerns about what is happening to the illegal aliens in our industrial cities.

One of the biggest mockeries, and I have heard the term "biggest mockery" used quite often, is quite frankly to so distract the INS that they cannot in any fashion, because of the illegal alien problem, service those who are waiting legally. If you go into almost any immigration office in any big city in this country, you will find petitions, citizenship applications, and labor certifications, running at least a year to a year and a half behind, because the Immigration Service is in fact understaffed and underbudgeted.

It is a mockery, ladies and gentlemen, when I have to turn to someone who is a constituent and say, "No, your family member, even though processed and even though acknowledged and even though granted cannot get in for another 1½ years because the agency is totally distracted with the illegal immigrant issue."

Now let us talk about this illegal immigrant. That is the second mockery. The illegal immigrant is not taking Federal funds except perhaps in a few mistaken cases. He is not on the public dole; he is not filling up the soup kitchen. What the illegal immigrant in the northeastern city, ladies and gentlemen, is going through is working in unsafe conditions; working below the minimum wage; getting no protection under the law for health insurance or anything else. God help the illegal immigrant workers who are hurt on the job because, that is when we will find out that they are illegal and start to move for deportation.

That is a mockery of what this country stands for. We have a problem. We cannot solve the problem as it exists

today, so let us face up to this reality. Let us in fact pick the date of 1982; get that problem behind us. Good God, let us not clutter up our immigration offices with a two-tier system. We absolutely cannot handle what we now have.

Let us take the focus of the Immigration Service and put it where it belongs, on stopping illegal entry, instead of encumbering INS even with a tiered system. Where are we going to get the personnel even if we triple the budget, and I have looked at it, to double certify? First we would need to certify on a temporary resident basis and then we would certify on a long-term basis. This would be certifying a great many people twice in a long and involved process. This is not "amnesty," it is not even legalization—this is certification under scrutiny.

Now look, most of these immigrants are here working. You know, I do not want to be a cornball, but what happened to our belief in that monument in New York Harbor and what it says? These people are working. Go into the cities such as New York, go into Boston, go into Bridgeport; I will show them to you. I will show them to you sewing blouses at \$3 an hour, 10 hours a day. Not the sweatshops of the old days, but not an awful lot better.

These are people that will contribute to our society, facts show that. The immigrant who is at the low end of the entry-level job situation is by far the least likely to go onto public assistance. No matter how bad things are for him here, they are invariably far better than they were for him there.

Let us get on with the job. Let us recognize our problem. The committee has done a good job; it has faced the issue. Let us not play nonsense games with human lives, and that is what you are talking about. Human lives that, except for the calendar, ladies and gentlemen, were my grandparents and yours.

Mr. KINDNESS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the pending amendment. I think we need to remember, and be reminded every now and then during this debate, that there is a procedure, and there has been a procedure in effect for many years, since 1929 referred to in a shorthand manner as the registry date provision, whereby the status of immigrants can be regularized by the Attorney General through the Immigration and Naturalization Service, and that in the last Congress, in that version of this legislation, the registry date provision was updated to 1973 as a beginning of a period of time of living in the United States, which would entitle people to go to the INS and make a showing that they had ties in the United States and intended to

stay here and were of good behavior and so on.

They would get an artificial entry date that would, in effect, legalize them. In a manner of speaking, it is an amnesty-type of provision. It has been in the law for many years. We are accustomed to it, we know how to operate with it, the only question might be should that registry date be moved up to a date subsequent to 1973, of course.

We are now talking basically about a similar process moved up to some very recent date; 1982, 1980, whatever it might be. I believe the amendment of the gentleman from California that is pending is the appropriate way to deal with this matter. I will support the amendment of the gentleman from Florida [Mr. McCOLLUM], if it is offered at a later time, to strike the legalization provision altogether if we cannot get this more reasonable approach adopted.

I would urge the support of the amendment.

□ 1520

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from New York.

Mr. FISH. I thank my colleague very much for yielding.

Mr. Chairman, I think what my friend, the gentleman from Ohio, just stated points out what the gentleman from California and I have been trying to state for the last couple of hours, particularly to the proponents of the 1982 date: We are advocating a middle ground. There are those who do not want any date. There are those who want a registry date of 11 years ago.

That is why we have adopted our position, which we think is a middle ground.

Mr. Chairman, I take this opportunity to read a letter dated June 19 from the Attorney General of the United States addressed to me:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, June 19, 1984.

Hon. HAMILTON FISH, Jr.,
Ranking Minority Member, Committee on
the Judiciary, Washington, DC.

DEAR HAM: I am writing to express my personal appreciation for your active participation in the House immigration reform debate and to seek your support for an important amendment. As you know, the Administration is strongly committed to the enactment of reform legislation to address the twin realities of substantially uncontrolled illegal immigration and the existence of a sizable and potentially exploitable shadow population in this country. Already the House is on record for enforceable sanctions to remove the economic incentive for illegal immigration and now the issue is whether to include a legalization program and, if so, what its terms should be.

As a threshold matter, it is the Administration's firm belief that a rational legalization program is an integral part of this important reform effort. We have neither the

resources not the desire to effect mass deportations. A fair legalization program is the only humane and practical response to the existence of millions of illegal aliens in this country. Such a legalization program is also consistent with effective law enforcement. Long term illegal aliens are the ones most likely to use all available administrative and judicial avenues to resist removal, diverting important enforcement resources at precisely the time our priority should be effective implementation of employer sanctions.

However, the rationale for legalization is not to give legal status to all illegal aliens. Rather, legal status should only be granted to those who have demonstrated a commitment to this country by their long term continuous residence as self-sufficient, contributing members of their communities. Extending the legalization date to January 1, 1982 as the House bill now provides would bestow the benefits of permanent resident status (including the right to petition for the admission of family members and to apply for citizenship after 5 years) substantially before the requisite attachment to this country has been demonstrated.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KINDNESS] has expired.

(By unanimous consent, Mr. KINDNESS was allowed to proceed for 2 additional minutes.)

Mr. KINDNESS. I yield further to the gentleman from New York.

Mr. FISH. I thank the gentleman. Continuing to quote the letter from the Attorney General:

To remedy this defeat, the Administration urges support for Congressman Lungren's amendment restoring the "two-tier" 1977/1980 legalization program originally contained in the House bill. Under that approach only aliens who have continuously resided in the U.S. since before January 1, 1977 would be immediately eligible for permanent residence status. Those who entered after that date but before January 1, 1980 would first receive temporary resident status and, after three years as productive members of their communities, permanent residency. Due to their unique status, legalization for Cuban and Haitian entrants would be available up to January 1, 1982.

Legalization is a critical element of comprehensive reform legislation. At the same time, legalization is an extraordinary benefit which must not be conferred lightly. The gradual adjustment to full legal status proposed by the Lungren amendment appropriately ensures that our original basis for legalization—demonstrated commitment to this country—is honored.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

Mr. Chairman, I would ask the gentleman from New York, if I could, when he read the letter from the Attorney General coming out for a legalization date of 1980 and not 1982, when President Reagan, at his press conference last week, came out temporarily for the 1982 date, was it that he had not yet heard from the Attorney General, was the letter too long for

the President to get it all the way through, or was I mistaken in assuming that this is one of those occasions on which the President might have known what he was talking about?

Will the gentleman explain how the President happened temporarily to agree with us, and then got reversed?

One further question: Does the Attorney General intend to reverse the President on any other matters concerning this issue?

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I would yield to the gentleman from California, and then to the gentleman from New York.

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Chairman, a distinguished Latin professor of mine in high school used to say that a slip of the tongue is not a slip of the mind. That was obviously a slip of the tongue.

The important point was that the President four-square stood behind the idea of a legalization program.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KINDNESS] has again expired.

(On request of Mr. FRANK and by unanimous consent, Mr. KINDNESS was allowed to proceed for 2 additional minutes.)

Mr. LUNGREN. Mr. Chairman, if the gentleman from Ohio will continue to yield, in fact, as the gentleman from Massachusetts knows very well, this has been the consistent position of the administration all along. This is no change, in fact, in their position in the Senate or their position which they supported before our committee last year. In fact, I thought the significant point that was made by the President was that he believes that legalization is important as part of a comprehensive bill, but as the gentleman knows, there has never been a position taken by the administration that 1982 would be the proper date.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from New York.

Mr. FISH. I thank the gentleman for yielding.

Mr. Chairman, the gentleman can always be trusted to introduce a note of levity, and it is a good idea sometimes, but it was a slip. The President does support legalization, and a number of us asked him to bring it up and make that point during his press conference. He simply hit the wrong date.

But I think we have to go back to the point that this very committee that brings up the 1982 date today proposed exactly the dates of the gentleman from California [Mr. LUNGREN] when we considered this the last time on the floor.

Mr. FRANK. Two years earlier.

Mr. FISH. A year and a half ago we had the 1977-80 dates, so once again, we are in the middle between those who want either no legalization or only updated registry and those who would like 1982—and I am sure some of my colleagues would like 1984 or even 1985.

But this is the amendment that really does the job without being overly broad and being an actual entitlement to people who have not even anticipated this.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I will yield for a constructive contribution by the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

Mr. Chairman, first of all, I want to decline the credit that said I introduced a note of levity. I do not write Ronald Reagan's material; I only read it.

The point is, and I want to make one response to the gentleman from New York—

Mr. KINDNESS. I am still trying to figure out if I am going to reclaim my time on that one.

Mr. FRANK. I want to respond to the gentleman from New York. Yes, it is true that 2 years ago we had a date that was 2 years earlier. I would simply point out to the gentleman from New York that it being 2 years later, it seemed to us appropriate that the date be 2 years later. We are simply trying to adjust the date because we do not think it makes sense to have this pool.

I would just concede to the gentleman from New York that he is in the middle, but he is in the middle, it seems to me, between the intellectually consistent position and one that is opposed to legalization at all.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KINDNESS] has again expired.

(On request of Mr. MAZZOLI and by unanimous consent, Mr. KINDNESS was allowed to proceed for 1 additional minute.)

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield to the gentleman from Kentucky?

Mr. KINDNESS. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank my colleague, the gentleman from Ohio, for yielding to the gentleman from Kentucky.

Mr. Chairman, let me say that on this very floor in the well last week, the gentleman from Kentucky commended the President of the United States for having the courage to say was for an amnesty program, a legalization program. I think it was a constructive statement. I am sure it took courage on his part. I am sure there

was much pressure against him for saying it.

My only thought is: Legalization is not just the formula of the gentleman from California. He feels very strongly in favor of that formula as "legalization." We on this side may feel just as strongly that 1982 or 1981 is "legalization."

My only thought is, the President has made a very substantial contribution to the debate. I would hope that even in the event the gentleman's amendment is voted down that everybody suggest to themselves that without legalization of some kind, the bill is not balanced and, therefore, support the bill and oppose the amendment of the gentleman from Florida to strike that balancing part.

Mr. HANCOCK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the legalization provisions in this bill and I oppose this amendment and all others except the McCollum amendment which I support.

There is no doubt in my mind that legalization is an explosive issue. I speak from personal experience. But I guarantee you this: That no one who casts a vote in this chamber on this issue can walk away without thinking that his or her vote will not be scrutinized by the constituents back home. If you have an opponent with an IQ above 40, they are going to point it out. I just hope you are all confident enough of where your people stand on the issue because I believe that many of my colleagues, as deep thinkers as you all may be, are not aware of the true proportions of the alien problem that exists in the United States.

Those from the Midwest, New England, Northwest and Plains States do not experience the problem as do the border States which must deal with it on a daily basis. It is all fine and well that you decry the situation but the reality is that you do not know the effects of the problem first hand. For example, over 1 million aliens were caught on our borders last year trying to cross it illegally. You can offer this amnesty program as a cure-all along with a complicated system of employer sanctions that will be well nigh impossible to enforce and that will bring about widespread disorder, but the truth of the matter is you will not benefit or suffer from the program you are trying to force on the border States today.

You can call it legalization or call it what you will, but my experience tells me amnesty is amnesty, no matter how you phrase it. I believe there is a widespread attitude among the American public against a general amnesty and I do not think we serve the best interests of our people, or our country, by ignoring that opinion. In my estimation, no amount of legislation is

going to change that attitude, and the actions we take in this Chamber will not reverse that opinion.

This is an economic and social issue. Some have tried to turn it into a racial issue. Nothing is further from the truth. I see it in terms of justice for aliens already legally in our country and in terms of fair play for American citizens.

Above all, I believe the issue of amnesty is an economic one; an issue of jobs. For every job in this country now occupied by an undocumented worker, it costs this country. For every job that will be taken by an undocumented worker who is encouraged to come across our border because of amnesty, employer sanctions notwithstanding, it costs our country. Amnesty costs jobs for American citizens. It legalizes the theft of American jobs.

A study published by Rice University concluded that 65 Americans lose a job for each 100 aliens that enter the country. Other studies have also confirmed this displacement effect. A 1979 interagency task force report from the Department of Labor showed displacement among American workers due to undocumented workers. Ray Marshall, former Secretary of Labor, has claimed that U.S. unemployment would be significantly reduced if illegal aliens were kept out of the job market. Even the Urban Institute study, which I know many cite as evidence in support of amnesty, concluded and I quote:

Displacement will occur among low skilled workers who are not able to upgrade their jobs or to move from the region; some of these workers will find their wages continuing to erode, others will find themselves out of work.

The worst aspect of displacement is that it occurs at the very level where steady employment is needed most—at the low-income, unskilled labor level. Furthermore, those American citizens being displaced are blacks, Hispanics, and youth. To quote the Urban Institute study again, "most of the adverse economic effects associated with new immigration will be borne by the unskilled." It doesn't matter which study you believe there are still American citizens who are losing their jobs.

There is an economic cost to amnesty in terms of our public assistance programs also. The Congressional Budget Office has estimated that each unemployed American costs the Federal Treasury an average of about \$7,000 per year in unemployment compensation, food and health benefits, and other associated costs. Thus for every million Americans displaced by undocumented workers, the Treasury loses \$7 billion per year.

The economic costs are evident in other ways, too. Studies have shown that expenditures for public services used by aliens are not offset by taxes paid by this group. The clearest exam-

ple of this I can give you comes from my own State of Texas where the border communities have been forced to assume the economic burden of educating alien children in the local school system. I have been among the strong supporters of Federal assistance for alien education, but I believe this example only points up the realities of the economic costs of the undocumented in America. In Texas, the State education agency estimates there are more than 29,000 illegal aliens in Texas schools. The average cost of educating a child in Texas is \$2,600. Even without accounting for special instruction costs that may be necessary with bilingual or educationally disadvantaged students, the cost of educating illegal alien children comes to more than \$75 million. Taxes returned by undocumented persons in Texas have in no way reflected this cost.

Further, the presence of undocumented workers reduces wages in low skilled occupations relative to other wages. The cost then, becomes one of economic stagnation in certain occupations and in particular regions of the country where the undocumented tend to settle. When we should be encouraging economic development, promoting job development and skills training, and protecting wage bases, we are instead offering to American society a policy of amnesty that is in direct opposition to our goals.

Even in the most practical of terms the amnesty program falls substantially short. It is generally agreed that only a fraction of those acutely eligible for amnesty would come forward, so the alien problem that advocates of legalization say would be solved with this program would in fact not be. The greatest number of aliens would still be in legal limbo, having failed to take advantage of the program.

The economic costs incurred in the simple administration of the program must be acknowledged also. If the INS can barely handle its workload now processing applications for legal immigration, how will it handle the millions more expected under the amnesty program? At a time when Government spending is being cut left and right, can we logically expect enough funding to go to INS to make a legalization program run smoothly or work anywhere near the level we are going to demand of it?

There is even one further cost to this program: With the time spent on paperwork and the demands of the bureaucracy, more time, attention, and personnel will be taken away from the task of protecting our border, where this whole issue really begins. We cannot solve the problem of illegal aliens in our country if we do not take steps to secure our borders first.

There are social costs to this legalization program, too. If we are truly interested in the plight of aliens, in justice for these people, then tell me: Is it fair to enact a sweeping program of general amnesty to illegal aliens when thousands and thousands are waiting patiently, and have been for years, to enter our country legally? Where is the justice in that? Amnesty makes a mockery of our laws. It insults those who have migrated legally and worked hard to earn their right to be in America. It sets a bad precedent that will encourage the migration of more people. One study by the Trans-Century Foundation estimated an additional 939,000 illegals would come across the border each year expecting amnesty at some point in the future. An amnesty program now raises the specter of another in the future and ridicules and makes worthless our entire immigration policy.

Nor does amnesty represent fair play for Americans. Can we condone a policy that legalizes aliens who have illegally taken jobs from Americans? If illegal aliens were taking jobs away from doctors, lawyers, and bankers, it would have been stopped long ago. Is it fair to write off hundreds of thousands of jobs that could go to Americans who need work because this policy blesses the presence of undocumented workers? Is it fair to America and Americans to enact laws that further strain our already shaky economy as this one does? I do not believe it is and I cannot accept this legalization program.

I recognize the problems of the Third World and the hopes that America's shores hold out to its people. We must be compassionate when dealing with the alien problem, the refugee problem, and those seeking political asylum. But we must also recognize our own limitations. We cannot be all and do all for everyone. Just as in recent years we have faced the necessity of tailoring our fiscal policy, we must now tailor our immigration laws to reflect a more reasonable, rational policy. Amnesty does not help us tailor our policy; it does just the opposite. I cannot accept this provision in the bill and cannot urge any more strongly that it be rejected.

I ask each of you to reconsider what you will be doing to our country and those you think you are going to help with this program. In the end, you will hurt the most vulnerable in our society.

□ 1530

Mr. DAUB. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendments that will be offered, first, the one that is presently before us offered by the gentleman from California [Mr. LUNGREN], and, second, to alert my colleagues that I indeed

will support the amendment that will be offered by the gentleman from Florida [Mr. McCOLLUM].

Now, my support for both of these amendments lies not so much out of concern for the social impact of immigration upon our Nation, for I am concerned about that, and indeed immigrants have been a tremendous source of enrichment for our country, but my support for these amendments lies chiefly or revolves chiefly around my concerns for the economic impact of any kind of legalization program that is being offered either by the committee and/or by the various sets of amendments that may survive.

The committee bill, plus McCollum, would take advantage of a mechanism that is already in place. It was addressed quite articulately by the gentleman from Florida [Mr. McCOLLUM] and in the argument by the gentleman from Ohio [Mr. KINDNESS] when they spoke of the registry date. That is section 302. Section 302 is already in the bill, and if sections 301 and 303 are stricken, which is what the McCollum amendment will do, then the registry date survives.

Now, the present law, which contains a registry date, is a procedure that has been used to provide a limited form of amnesty for all aliens who can show good moral character and continuous residence in the United States since 1948. The registry date was established in 1929, and it then provided for an admission date of 1921. It has been updated several times, most recently in 1965.

In the 97th Congress I proposed in a bill I authored, entitled H.R. 7060, that the registry date provision of the current law be moved from June 30, 1948, which is what it is today, to January 1, 1973. Subsequently, during House Judiciary Committee mark up of the immigration reform bill, an amendment was proposed to strike the general amnesty provisions of that bill and substitute it with the language of my bill, updating the registry date, which is much like what the amendment offered by my colleague, the gentleman from Florida [Mr. McCOLLUM] will in effect do.

Because of continuing debate over amnesty, that amendment was withdrawn, and the language of H.R. 7060, the registry date amendment alone, by itself, was adopted without dissent as a new section of this bill, currently section 302 in title III.

The amendment of the gentleman from Florida [Mr. McCOLLUM], therefore, as I said, would strike section 301, leaving intact section 302, this registry date provision. Not only is this provision an acceptable middle ground, in my view, but it is a procedure with which immigration officials are already familiar.

Furthermore, I believe that the legalization program contained in H.R.

1510 is setting a dangerous precedent. Since legalization has been under discussion in the past few years, illegal immigration has reached unmanageable levels, largely out of the anticipation of the enactment of the present bill. I am also convinced that this body has not given enough consideration to the compounded numbers which will result from the bringing in of relatives by those who are legalized. As well, while some consider this legalization program a "one-time thing," I am not convinced that further illegal immigration will not continue in the expectation of another amnesty perhaps 10 years down the road.

While I realize that many people believe amnesty to be the only practical solution to our illegal immigration problem, I also question the legitimacy of "doing away with laws, simply because someone says they cannot be enforced."

Why should the economic resources going into a legalization program not go into better enforcement of our existing laws? By way of economic resources, I am speaking, for one, of public assistance costs.

I want my colleagues to pay particular attention to this. Those favoring the legalization provisions in this legislation are quick to say that the rate of dependence on public assistance is usually lower for immigrants. While this may be true initially, I am convinced that eventually the public assistance rate will rise at least to the level of the present American population, which is approximately 9 percent, according to the Department of Health and Human Services. Estimates figured by HHS in 1982 further noted that if fewer than 2 million aliens take part and come forward in legalization, Federal public assistance costs alone could be as high as \$7 billion over the next 5 years.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. DAUB] has expired.

(By unanimous consent, Mr. DAUB was allowed to proceed for 2 additional minutes.)

Mr. MAZZOLI. Mr. Chairman, will the gentleman from Nebraska yield?

Mr. DAUB. In a moment I will yield. I am just about finished.

Mr. MAZZOLI. I have a unanimous-consent request I would like to make.

Mr. DAUB. Let me finish first, and then I will be happy to yield, as I always have, to my good friend, the gentleman from Kentucky.

Mr. Chairman, while we are talking about spending this kind of money for legalization, I fail to see why spending more to enforce our present laws, coupled with Lungren, the better of the choices, and/or with McCollum, would not be an even better solution, rather than simply ignoring the backlog of applicants who have waited now for

years legally to immigrate to this country.

Citizenship is the most valuable thing that the United States can offer to anyone. U.S. citizenship carries with it the promise of opportunity, the hope for a future, and the freedom to pursue them. Do we cheapen, I ask my colleagues, the value of that citizenship by granting it to those who have evaded our laws while still denying it to those who earnestly abide by them?

The McCollum amendment would be the most realistic alternative, but indeed since the bill contains the registry date, I ask all the Members to remember that there is a form of judicious, temperate, compassionate amnesty that the committee saw fit to include in the bill in anticipation of the very debate we are having today on the floor. I will circulate a two-page memorandum containing 12 points that circulate the concept of registry, and I ask each and every one of my colleagues to take a good look at this handout, which will go into further detail about the concept to which I am alerting my colleagues now by taking this time.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. DAUB] has again expired.

(By unanimous consent, Mr. DAUB was allowed to proceed for 1 additional minute.)

Mr. DAUB. Mr. Chairman, I said once before when I came to this well that if you take the undocumented worker who achieves any form of legalization in the course of this legislation and becomes a permanent resident of some type and then can immediately proceed to the citizenship window, if you move from that undocumented status to the documented status and then to the citizenship window, we have to remember that we are looking at, for example, fifth preference numbers right now of a 1.4-million backlog, and we will be looking at a chain migration question that would just blow our minds. There will be millions and millions of those seeking relative status by petition that simply will get the fast shuffle and will have no reasonable hope of ever achieving entrance in a legal way to our country.

So I urge my colleagues to support the better alternative, the Lungren amendment, saving that, of course, we defeat ultimately the proposition of blanket legalization in exchange for the committee's position that the registry date will provide all of us with that opportunity to achieve the very compassionate kind of immigration that we are looking for.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. DAUB] has expired.

□ 1540

Mr. MAZZOLI. Mr. Chairman, I ask unanimous consent that we conclude

debate on this amendment at 20 minutes to 5.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Chair will recognize Members standing at the time of the request for 4 minutes each.

The Chair now recognizes the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, amnesty or legalization is a very unpleasant situation, but I am going to support the committee position and oppose the amendment offered by the gentleman from California [Mr. LUNGREN].

The gentleman from Florida [Mr. McCOLLUM] is in part correct. Legalization is not a good idea for people who have been trying to get into this country legally. It may establish a precedent. I hope not, but it is possible.

But what is the other side of the coin to what the gentleman from Florida [Mr. McCOLLUM] says? The other side of the coin is a permanent subculture in this country of illegal immigrants, alienated people who are neither fish nor fowl. It is basically what I call a festering sore of people, of human beings who are here without any form of legality whatsoever and if there is not some sort of resolution to this problem in terms of these people, it will create all sorts of serious political problems for this country in the years to come. It could create domestic political instability in the United States of unparalleled proportions in the future.

What do we do with these millions of people who are here? Do we deport them? I doubt if we have the political will nor the economic capability to round up millions of people and send them home. We are not going to do that.

So the first question is, should we have legalization? I say reluctantly, yes, because without it, you have no bill. Also, the alternative is to keep a permanent subculture of people here who are not identified and who are not affiliated with any other part of this country and that spells trouble for America in the years to come, politically, economically, and in all sorts of other ways.

The second question is, what should the date for that legalization be? Well, I go with the date in the committee bill, because I think if you go with the Lungren date it becomes a very confusing situation politically.

As the gentleman from Massachusetts [Mr. FRANK] said when we marked up this bill in committee in early 1983, we had a 1980 date. It was about 2 or 2½ years old at that time. Now 1½ years has since passed, so what we are saying is bring that date basically up to where it was before.

There is no basic change in the situation. Then when we go to conference, we are going to end up with a 1981 date.

The bottom line to all of this is I want an immigration bill. I supported employer sanctions, which are very unpopular. That is the heart of this bill; but politically, you have no employer sanctions unless you have a legalization program. Those are the facts of life. Both are going to be in any final product that passes this Congress or else nothing will pass.

So I urge my colleague that if you want responsible, fair immigration reform, if you want to keep our borders secure and if you want to be fair, not only to the millions of people who are here, but to this country that is going to have to deal with this political problem in years to come, you will oppose the amendments gutting legalization and you will vote for this bill, which is a package. It is a package of employer sanctions and legalization. As the song goes, "You can't have one without the other."

There are some people on this side that only want employer sanctions and no legalization. There are some people on this side that only want legalization and no employer sanctions. I say to both sides, there is no immigration bill in those situations. You have to package the two. I realize this is unpleasant.

I wish I did not have to come down here and talk on this issue. I wish I did not have to vote on this issue, but for the future of America, we need to keep the legalization program in, because we are not going to get an immigration bill if we delete it.

The CHAIRMAN. The Chair now recognizes the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, we are talking about amnesty or legalization, which represents the heart and the soul of this bill. Not only is amnesty important because of the fact that it is a humane policy, not only is it important because it dovetails with the best of our foreign policy, not only is it important because it is a continuation of the best of American traditions, and presents the best image of America, but it is important because it is the most practical provision in the bill.

Let us consider for a moment the most important priorities in our immigration policies. We are first of all concerned about securing our borders. The problem we are faced with now with millions of illegal aliens is due to the fact that we failed to secure our borders properly in the first place or we allowed floods of people to come in with very sophisticated ways from Europe and other parts in the northern part and through the ports of entry and did not do the kind of job we should have done.

In the case of immigration policy, an ounce of prevention is worth a pound of cure. It is like good-health-prevention measures. If we take the proper preventive measures, we do not end up with the kind of disease that we have now. We are not faced with the kind of problem we are faced with and that is our first priority or should be our first priority.

The resources that we have available must first be dedicated to securing the borders. We all know that we are not going to get unlimited resources for the Immigration and Naturalization Service. The money that is needed to secure our borders should come first.

Second, priority should go to those people who are seeking entry legally, who are in the country applying for legal status.

My office is full every week with people who are here legally trying to get their papers completed, trying to complete the permanent residency and become citizens and there are not enough employees available to do it.

Somebody mentioned before that in their area they are as much as a year and a half behind. I thought that was only the case with the Brooklyn section of the Immigration and Naturalization Service; but they are at least a year and a half behind.

Priority should go to the people who are here legally, complete the process.

The last thing we should be spending money for is the financing of shock troops and Gestapo-like operations in the streets to root out the people who are here illegally. I do not condone their being here illegally, but it is going to take a tremendous amount of resources and money and some activities which we do not approve of, some violations of human rights that are going to trample on the rights of those people who are here legally and of the rights of American citizens.

When you have a situation like this, you are going to have selective prosecution. Most likely that selective prosecution is going to be aimed at blacks, and at Hispanics, and you are going to have concentrations in areas and there is going to be a reaction and it is going to get very brutal. You are going to have to have the INS moving into areas with undercover operations, all kinds of brutal violations of rights that are going to progress as we go along if we are serious about getting rid of all those illegal aliens in the millions.

The best thing to do is to start with a clean slate. Let us accept the fact that we have made errors in the past. Let us accept the fact that people are here. Let us accept them, put them through an orderly process, allow them to become legal and dedicate our resources instead to the massive job we have of securing our borders and of

taking care of the people who are applying legally.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from Michigan.

Mr. CONYERS. I just want to salute the gentleman. Has the gentleman been saluted during the course of these proceedings?

I would like to salute the gentleman and identify with a very fine statement.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. OWENS. I yield to the gentleman.

Mr. MAZZOLI. Mr. Chairman, let me also salute the gentleman, as I have done earlier.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair now recognizes the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I rise in support of the Lungren amendment.

This has been a very difficult debate, Mr. Chairman. We have had to face a situation of including and excluding specific people, specific people who have been categorized by date, date of illegal entry in many instances, and deciding as to whether we are going to confer upon them the highest honor that this body can confer upon anybody who is not native to this country, and that is the possibility for citizenship.

We are including a large group of people who arrived here illegally, many of them in anticipation of what this House is debating today and that is that their status shall become permanent.

□ 1550

If we are going to be led by our hearts then we have to look at the world population, the starving, the huddled masses throughout this world whose destination would be the United States if they could physically get here. There are many that have come to our shores and come to our land because of geographical proximity to the United States, and to them goes the largest consideration as to this debate.

But I would say to the Members of the House that we must look squarely in the eyes of those we represent, that we must not let our heart overrule our best judgment, the best judgment as to what is best for the United States. How many people can the United States accommodate? How many people can come into the United States and have the quality of life as we know it today still continue.

This is going to be a tough call for many of us, many of us who personally are acquainted with some of the people who would possibly be excluded from the Lungren amendment. But I

think the overall consideration is what is best for the future of this country.

I think we all should support the Lungren amendment and we should take a very close look at the McCollum amendment when it comes before us later this evening or tomorrow.

It is going to be a tough call. But I think on this call we must put the citizens who are here in the United States first.

I urge you to vote "yes" on Lungren. (By unanimous consent Mr. DELLUMS yielded his time to Mr. WEISS.)

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I thank my distinguished colleague for yielding his time to me.

As have many of my colleagues, I have listened to this debate without participating up to this point because I felt somewhat ambivalent about the thrust which this legislation was taking. I was perturbed to a great extent because those people about whom this legislation really is, that is the undocumented workers, seem to have no real representation in this body. Nobody was speaking on their behalf. Everybody was talking about all kinds of other problems. But as far as the 2 million or 5 million or 7 million or 10 million or 12 million people who would be directly affected by this legislation, they have had no spokespeople here.

Finally, when their problems seem to be addressed, they are being addressed negatively. They are being addressed in a fashion to disadvantage them when the legislation, to begin with, I think, does precious little for them.

I am concerned about the problems of immigration, the problems of granting legal residency status and citizenship to people who did not come in through the normal legal processes. I happen to be an immigrant myself. There was one term during my service here when I was the only non-native-born Member of the House. Now there are a handful of us, and I think that I speak for all of us when I say that I consider myself extremely fortunate to have had the opportunity to become an American citizen.

But I think that when we start talking about "illegal is illegal," we ought to hark back to Auden's poem entitled "The Law Is the Law." "Illegal is illegal" may state the truth but it does not necessarily state the whole truth. When we look back to how our ancestors came to the United States through legal processes we ought to be knowledgeable about the circumstances which then prevailed.

We ought to remember that there was a long period of our history when the United States, for its own purposes, welcomed massive immigration.

We wanted and welcomed people coming in by the millions during decades when we wanted to expand our development and when there were problems in other parts of the globe. At least we welcomed them when the bulk of the citizens who were coming to the United States were coming in from northern and western Europe.

When the situation shifted and large numbers of immigrants started coming to the United States from southern Europe and eastern Europe, then for ethnic or religious reasons or, in the case of orientals, who for a large part of our history were never even given eligibility to become citizens for racial reasons, when those people started coming here by the millions, suddenly we discovered that there was something wrong with immigration. And in the early 1920's we started cracking down with a vengeance and we started imposing quota systems which were racially and ethnically and religiously obnoxious. That is our history. And whether we like to admit it or not, although there is an element of legitimate concern about jobs which theoretically could be said to be taken from American citizens, I am afraid that intertwined with the concern for jobs is a very, very strong dose of racism and ethnic discrimination. I do not think that it is an accident or coincidence that the people who would be denied legalization by this amendment for the most part would be Hispanics or blacks coming from Central America and the Caribbean.

I think we ought to face that. My sense of it is that if we remove amnesty or legalization or cut it back into the two-tier system that the gentleman from California suggests, we would make this bill administratively difficult, and send a message to undocumented workers that they apply for temporary status and then permanent status only at the risk of deportation.

What we are really saying is that we want the stick but we do not want the carrot.

That is not the basis on which this legislation has been sold. Whether you are for it or against it, the basis on which it was sold was that it was going to be a balanced approach. It would provide certain restrictions and sanctions on those who employ people who do not have proper papers and at the same time would bestow the opportunity for citizenship on those who have been here without proper documentation.

You take away the legalization aspect of the bill, either all at once as the gentleman from Florida [Mr. McCOLLUM] would have it, or in pieces as the gentleman from California [Mr. LUNGREN] would have it, and you no longer have the bill that you said that you were going to be offering to the American people and to the undocumented.

It will then appear to many Americans and others that we have engaged ourselves in a great charade.

It will be a tremendous disservice to the whole concept of fairness as far as the United States of America is concerned and especially as far as this legislative body is concerned.

So I would urge my colleagues on all sides of this issue to think very, very carefully before we start down the path that the gentleman from California would take us.

Mr. Chairman, I urge a "no" vote on the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Nebraska [Mr. DAUB].

Mr. DAUB. Mr. Chairman, I rise for only one comment and that is that I think it should be said, as some have taken the well in this I think very carefully articulated debate by each and every colleague who has stood to speak, to indicate that they would be for one or against the other of the different amendments as they may appear in order.

Some have suggested that they would be inclined to support Lungren but if Lungren failed they would be inclined to support McCollum. And if McCollum failed they would be inclined to do I do not know what.

I want to let my colleagues know that I enjoyed the subcommittee chairman's colloquy with one of the first speakers in the debate when he said, "Now, just a minute, what are you going to do if * * *"

I want to tell my friend before he asks me that if indeed legalization is in the form offered is a part of the final bill, then I will be constrained to have to vote "no."

□ 1600

And I would like to reserve the explanation for that by and large for the McCollum debate, but I think it does have a bearing on how some may view the statements that have been made that have encouraged our colleagues to look at the registry provision.

I want to give the committee credit. Please understand the committee did include section 302 in the bill, recognizing the value at some point of the registry date and with that, Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman has expired.

The Chair now recognizes the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Last week, we debated the portions dealing with sanctions which I have opposed from the very beginning.

I agreed with the amnesty provisions. I am sorry that so many of my colleagues on that side of the aisle are not here who participated in this debate during the course of this afternoon.

But just let me warn each and every one of my colleagues, whether they are on this floor or whether they are in their offices, that if we kill the amnesty provisions of this bill, if Lungren, McCollum, or the Wright provisions should sustain, should hold up, you are going to lose the editorial support of those papers across this country which to this point have been calling for immigration reform.

They have made it very clear that it is one for the other; if you want employer sanctions, then let us get on with the business of amnesty. I want to make it very clear that those of us who are citizens, who will be forced into a corner, who will be asked where we are from and where our parents are from and whether they are Americans or not as compared to those others in this Chamber who will never be asked that question; we are going to support and fight for the amnesty provisions.

Now, it seems to me that everybody here has made it very clear, that if amnesty is not part of this legislation then the bill is dead. And maybe politically the thing is to ask all my colleagues to vote against it. But morally I cannot do it. We have got to support amnesty.

It is the right thing to do. We are going to try and bring people out of the shadows, we are going to try and give them dignity; we are going to try to give them everything that our grandparents and their grandparents have enjoyed; that is all we are asking for.

We are not looking to walk in front of, or walk taller; all we want to do is walk alongside. I would say to you you have already lost the support of the AFL-CIO, you do not have the support of the business community; you will lose the editorial support; then you have no bill at all.

Now you have a choice; you cannot have your cake and eat it too; you just cannot do it. I would say to many of you on that side of the aisle that you are really misinformed as to the reasons why people come here. They come here to find a job; they come here to find food for their families.

Unless you understand the poverty of the Caribbean, the poverty south of our border, then you will never understand the reasons why people come here. No different than the famine in Ireland and at the turn of the century when many millions of people came here, no different than the problems of the Mediterranean countries or some of the other European countries; no different.

And today in the year 1984, the immigration that is coming in, the people who are coming in are just a drop in the bucket compared to those who came in at the turn of the century. And I would close by saying that the President did not have a slip of the

tongue, he was very specific; he said, "And I think the thing that should be of the greatest appeal to them," meaning those of us who are noncitizens "is the very generous amnesty that goes all the way up to 1982, we are ready to give these people permanent residency."

I did not say that; the President of the United States said that.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

Mr. Chairman, I am glad that he stressed that point about people coming here for jobs because one of the issues we have heard in this debate is that the committee version is going to cost more than the other version.

And the fact is, the gentleman from California acknowledged and I appreciate his doing this; since no one knows how many people we are talking about, no one's estimates of how much it is going to cost make any sense whatsoever.

You might argue for more or less. The point that ought to be clear is both the committee version and the amended version agree that these people uniquely in our history would be allowed to be here legally but would be disabled from receiving public assistance for 5 years.

So none of these costs could be incurred for 5 years. And then what they mean by cost is that once these people have been here for 5 years.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Thank you, Mr. Chairman.

Mr. Chairman and colleagues: Last week this House chose to pass an amendment which set up a massive guest worker program for farm workers. The amendment before us now drops the limitation on agriculture and sets up a massive guest worker program for potentially all employers.

The two-tiered system becomes nothing more than a Government-sponsored, officially sanctioned method of utilizing temporary guest workers. That is, those workers who have chosen to apply for temporary status, those undocumented workers who came here between January 1, 1977 and 1980, subject to filing once again with the INS an application for permanent resident status, knowing that they have to demonstrate a good employment record; knowing they have to demonstrate evidence of a continuous residency and knowing that they are vulnerable to whatever the wishes might be of an arbitrary or capricious employer who knows that he has those people over the barrel.

There is little chance that this is going to be a legalization program that is going to give confidence to the undocumented workers to come forth, to come out of the underworld that they live in, hold themselves out to the potential for deportation; such a conclusion is a far-fetched stretch of the imagination.

The fact is that the gentleman from California, the ranking minority member of the subcommittee, described his amendment as a middle approach. It is not the middle approach. The middle approach is in the bill before us.

Some of us think that bill is far too weak in many areas. We think that the date should be much closer to the present time than January 1, 1982. We are very concerned about what an administration could do with the public ward provisions or the continuous residence provisions, but in the course of trying to achieve some kind of balance we find ourselves required to overlook what we think are flaws in the bill before us in the name of getting some meaningful legalization program.

The Lungren amendment intends to do that, but it does not do that. By virtue of its two-tiered process, by virtue of the complicated processes it requires people to go through, it will reach the smallest number of undocumented workers.

Do not think that by voting for the Lungren amendment you are supporting a meaningful legalization program, because you just are not. In fact, if you really want to do it right, better you should turn down Lungren and vote for the straightforward amendment which achieves in practical terms the exact same results, the McCollum amendment.

I ask for a "no" vote on this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, like many other Members in the House, I have some questions and some confusion about exactly how to vote on this matter of amnesty.

I think there are two particular problems that concern me in discussing this matter with my constituents and in trying to represent their views. In my constituency there are a large number of people of Polish ancestry and also a large number of people of Italian ancestry. They come to me and they say, "I want to bring my mother in," "or my sister," or "I want to try to get another member of the family in." But they cannot do it. They are told by the INS that "the quotas are all filled up; so you cannot get in," and they say, "How come I cannot bring over just one relative from Poland when we have a million Cubans who have been allowed to come in; thousands of Haitians who have been al-

lowed to come in; and millions of Vietnamese;" Now how can we refuse to allow families from Poland, or Italy, or other countries to be reunited as the current law provides and at the same time certify the millions of those who are going to be provided amnesty under this bill?

□ 1610

The other thing that concerns me has been represented by the amendment to be offered by my distinguished colleague from New York [Mr. SCHEUER]. That is what is happening down in the area where these undocumented aliens are still coming in by the thousands every day down along the Rio Grande. What are we really doing to stop this kind of enormous violation of our borders? Are we going to provide amnesty to those still coming in? We will have a 1984 class of amnestied aliens, we will have a 1985 class of amnestied aliens, and we will have another 1986 class of amnestied aliens. When are we really going to stop that flow? The amendment of the gentleman from New York [Mr. SCHEUER] suggests that we should not go ahead with this amnesty idea until there has been some clear evidence that our borders to the south are no longer wide open as they have been for so many years.

Unless we can answer those two questions, I cannot see how or others in my situation can vote for any form of amnesty.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I have maintained from the very beginning that legalization is necessary. I had the honor to serve on the Select Commission on Immigration and Refugee Policy where we voted 16 to nothing recommending legalization.

There simply is no other humanitarian option available to us. If you want to look at this as a failure of immigration policy, of enforcement policy over the last decade, fine, but it is certainly our responsibility and there is nothing we can do in the way of rounding these people up.

So, the question is what date to use. The yardstick that we did apply throughout our considerations in the Subcommittee on Immigration and in the full committee in the last Congress and in the 1st session of this Congress was that the failure to provide a substantial legalization ignores the equities of those who have lived in the United States for a number of years. It perpetuates the existence of a large underclass of undocumented aliens and it continues to subject citizens and lawful permanent residents, as well as the undocumented, to enormous social cost.

On the other hand, if the legalization is overly broad it serves as too strong a magnet for future flows. There is no question, despite some of the comments that have been made here, that the talk during the years 1979 and 1980 of the Select Commission thoughts on legalization, of the deliberations in our subcommittee and in the Senate subcommittee, have coincided with the largest surreptitious entry flows in our history. These have occurred in the last few years and obviously are related to the talk of legalization.

If overly broad, it would also bestow a gift on many who came here temporarily to work and had no idea of staying, and suddenly are told that they can if they wish apply for permanent resident status. This is simply not fair to the 1,400,000 people who have approved petitions waiting for visa numbers abroad.

An overly broad process confers immediate petition rights on persons who came here illegally, putting them in direct conflict with lawful permanent residents who are in the United States, competing for the single pool of the worldwide quota against which those petition rights, including the second preference would be exercised.

The Lungren amendment is the balanced amendment between those who want 1982 and those who want nothing or the registry date of the early seventies.

I think it is fair. I think it is humane. I think it is balanced and I urge a "yes" vote.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I have listened for the last week to the debate on this bill. When I came to the floor last Monday, I was genuinely undecided about how I would vote on this legislation.

Like many Members in this House I think that the political pressures upon us in this legislation were not as great as they are in many other pieces of legislation and we could listen to the debate and decide to do what we thought in our hearts and minds was right and of course we will come out in different places.

Well, I have listened to that debate. I think, by the way, due to the main debaters on both sides, it has been one of the most outstanding debates, an erudite debate, and a debate that Members are really reaching to do the right thing, that I have witnessed since I have been here.

I have come to the conclusion that what this debate on this particular issue, amnesty, boils down to and the debate on the entire issue boils down to is this: Those who are against the bill are saying the provisions, both the amnesty provisions and the employer sanctions provisions, will not work.

They are illusory, they are there to make us feel good, but they will not happen.

Those who are for the bill have said not that the bill is perfect, but that other solutions have either not been offered or are less desirable than the present solution. Of course, the corollary to that is that doing nothing is worse than the present solution.

I think that both those arguments are valid. In fact, they remind me of an issue in the State legislature and one legislator said when he heard the arguments from one side they pushed him to the other side. And when he heard the arguments from that other side, they pushed him back to the side where he started.

Well, what does that do in terms of these provisions here?

On the employer sanctions, many of us who had some doubts about them, voted for them nonetheless. It was our view that they ought to be given a chance, let them work. Therefore, most of the amendments that passed in regard to employer sanctions were in that spirit. Let us try employer sanctions, let us improve them, let us not make them too onerous, but let them work.

Well, now I think the same treatment, the same spirit, has to be addressed to the amnesty issue. Let it work. It is a difficult issue. I think the McCollum amendment is out of hand. No amnesty destroys the careful balance in this bill. But even amendments such as the Lungren amendment virtually do the same thing.

I have real doubts in my mind whether an illegal alien would want to take advantage of any amnesty that was not blanket and uniform and without any proof, particularly given the mind set of those illegal aliens, most of whom come from totalitarian countries, countries with less rights than ours. I have a good number of former Soviet citizens, immigrants from the Soviet Union, in my district and they are not used to trusting this government. Any roadblock you put in their way will prevent them from coming forward and will continue the huge underclass that we have in this country.

Two tiers will prevent a certain percentage of illegal aliens from coming forward.

□ 1620

More documentation will prevent a certain percentage of illegal aliens from coming forward. Amendments such as the Lungren amendment, and I would even say the Wright amendment, which are offered in good spirit, will keep this underclass here. They will not return home.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. HAYES].

Mr. HAYES. Mr. Chairman, from the beginning I have had serious reservations about this proposed legislation. I just hope that the time will come when we will recognize, as Members of this great House, the No. 1 issue that faces our country today: jobs and income for people who are out of work and who want work. I realize that this bill has been talked about for roughly 4 years now, so it has seniority over that issue. However, I must say that my reservations force me to get up and speak in opposition to this particular amendment. I have never felt that the 69 proposed amendments that we began to debate since last week, some good and some bad, were going to really change what I consider to be a bad piece of legislation.

As far as I am concerned, this amendment is another nail in the coffin which will be the final burial of this particular bill.

It has been said here by others who have preceded me that the AFL-CIO, of which I am still a member, has soundly had a change of heart and has now come out in opposition to this bill. I would like to read into the RECORD the letter which I and some of you have received just today from that organization, which represents roughly 13 million people, some of whom are constituents of ours:

On behalf of the AFL-CIO, I urge you to vote against final passage of H.R. 1510, the immigration bill now pending before the House of Representatives.

The actions taken during last week's debate on this legislation have so undermined the basic elements of the bill that we no longer, in good conscience, can support it. With the defeat of the Hawkins amendment, effective and enforceable sanctions are precluded. With the rejection of the Miller amendment, the H-2 program will no longer protect the labor standards of agricultural workers. And with the inclusion of the Panetta amendment, the agriculture industry has been given a free hand to continue to employ—and exploit—undocumented workers, to their detriment and the detriment of U.S. domestic workers.

The AFL-CIO does not consider this legislative product worthy of our support. . . .

I want to say that this is another step in the direction that places me in a position where I have to oppose this bill, and I would urge this House to vote against this particular amendment.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Let me just say that I do not think that the AFL-CIO's position on anything should determine anyone else's position. The bill is not a bad bill. I might say the gentleman from New Jersey, the chairman of the committee, said last Friday the bill is not in

such state of disrepair that it cannot be fixed.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. Mr. Chairman, I rise in opposition to this amendment because I firmly believe that it will destroy the effectiveness and the purpose of the legalization program. There is no doubt about that in my mind.

What this amendment does is, grant a two-tiered program, which makes it a lot more difficult to administer the program. The bureaucracy will take place. It will cost more money. Therefore, its administration will be faulty and lengthy and, as a result, the bill that Uncle Sam will be paying will be increasing day by day.

But it also grants temporary status to certain individuals who are in the United States. And what this actually does is endanger the status of those individuals, for if they seek, first of all, temporary status, that means one visit to the bureaucracy. Then they will have to come back the second time and seek the permanent residency status. Twice they will come before the bureaucracy. What will happen to those individuals if they finally do not qualify for permanent resident status? I am afraid that there will be mass deportations if they do not qualify under the more than 32 qualifying provisions. But what I am really afraid of is that these individuals will not seek the benefit of legalization when the law passes.

May I say that it also provides a two-tiered legislation program that creates different classes of legal status with different rights attached to each. This undermines the intent of legislation which is to simulate undocumented aliens into the communities in which they live. That is the purpose of all this legalization process.

But if this amendment were to pass, it then establishes the two-tier system, but it establishes legally different classes of individuals. This house has done too much to make this bill worse than it was before the debate started. I believe, Mr. Chairman that this is the reasons why the AFL-CIO finally took a stand against this legislation. They said that they now oppose the bill because "with the defeat of the Hawkins amendment, effective and enforceable sanctions are precluded."

Well, that is so.

"With the rejection of the Miller amendment," they say, "the H-2 program will no longer protect the labor standards of agricultural workers."

And then they go on to say that the Panetta amendment gives the agricultural industry a free hand to continue to employ and exploit undocumented workers and that this is not only to their detriment but to the detriment of domestic workers.

These are good reasons. But it seems to me that they are a little late. I wish that the AFL-CIO would have seen the light last week. I wish they would have come forward while there was still time looked at the legislation and concluded as many of us did that this legislation is offensive to Hispanics, Asians, and organized labor. One cannot say that they were not told, because they were. We told them what the results would be. But I am glad to find now that they are opposing Simpson-Mazzoli. And in so doing, I am sure, oppose the amendment before us. This amendment if passed would make this piece of legislation even worse. The AFL-CIO is opposing the bill now because amendments that were passed by this House last week made Simpson-Mazzoli worse than what it was before the debate first started, and for no other reason.

So it seems to me that now, in this instance, if we do vote for the amendment before us, Simpson-Mazzoli will only continue to lose more of its friends.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. HANCE].

Mr. HANCE. Mr. Chairman, I spoke earlier on this bill, and I said then it is a jobs issue. I think it is a jobs issue. And I think if you vote for this amendment you are voting for amnesty, and you are going to have to explain that to the voters.

I think that if you look as far as it being a jobs issue, there are five different studies. It does not matter whether you go with the Rice University study, the 1979 interagency task force study, University of Pennsylvania study, the Urban Institute study, or the statement from Ray Marshall, former Secretary of Labor, there is going to be some displacement. It does not matter how you cut it, there is going to be some displacement of American jobs.

Another thing we have to look at is the Immigration Service, I guess of all agencies that we deal with, we get more complaints because in your district offices, people always complain that it is almost impossible to get a passport on time, it is almost impossible to find out some immigration problem without a long delay. The INS is underfunded as it is, and they do a pretty good job under the circumstances, but you get more complaints on their being slow than on any other thing.

If you ask INS to take up these extra burdens, I guarantee you there is no way that they can take care of the functions that they will need to take care of, much less secure the borders. I think that is something that we have to look at.

Also, it has been said there are 6 to 12 million illegal aliens in this country. And let us say that maybe 1 mil-

lion decide that they want to become permanent citizens, or 2 million. How many American citizens are going to be dropped out of the job market because of that? How many citizens of this country will lose their jobs to illegal aliens?

□ 1630

That is what you have got to think about. The other thing is that if you go home and talk to the people in your district, amnesty is not favored by the people back home.

The last thing I would point out is, I have sympathy and I have compassion for the illegal aliens that are here, we all do, but our first duty and our first obligation belongs to the people that we represent that are American citizens. It is a jobs issue; I hope the Members will consider that when we vote on this. I hope the Members will vote against the Lungren amendment, as well as the other amendments, and vote for the McCollum amendment to stop blanket amnesty for illegal aliens.

The CHAIRMAN. The Chair now recognizes the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Thank you, Mr. Chairman.

Mr. Chairman, little did I know when I offered this little old amendment a few hours ago that we would reargue the entire bill. I wish we would confine our debate to the amendment before us in the future so that we might not intrude on the time of all our Members.

Be that as it may, maybe I have done something right with this amendment because I have been attacked on both sides. I have been attacked by those who say this amendment preserves amnesty, and by those who say that it kills amnesty. I happen to think this strikes the proper compromise. There is no doubt that this is less generous than the bill is as it is. This is less liberal than the bill is as it is. The gentleman from Texas can talk from now until doomsday and say that this is not, but all you have to do is look at what the bill does; it makes anybody who is here before January 1, 1982, eligible for legalization, and what my amendment does, which brings it back to 1980, sets another category for those before 1977, and requires an English language skill or a participation in a program to learn English, as suggested by the gentleman from Texas [Mr. WRIGHT].

So in those regards, it is less generous than the bill before us. At the same time, does it destroy legalization? What I have operated under from the very beginning is the assumption that the American people have some common sense here. When a poll was taken in my State, the California field poll, in 1982, the basic question was, "Do you support deportation of those

who are here illegally?" Absolutely. Seventy-five percent of the people said that statewide.

Broken down into different groups, whites, 77 percent supported it; Hispanics, 59 or 60 percent; blacks, 68 percent. Then you ask the next question: "How about legalizing those who are here illegally but have lived 5 years or more?" Statewide in California, 73 percent. Among whites, 74 percent; among Hispanics, 74 percent; among blacks, 71 percent.

I frankly do not understand the arguments of those who say that my amendment somehow appeals to the discriminatory nature of those who are against amnesty. I find it strange that Hispanics, by a 74-percent margin indicate that they would support this approach to the very difficult problem we have before us, unless somehow they want to discriminate against people of their own color. I just do not understand it.

I also do not understand why the weight of the debate against my amendment has come from—mostly from—those who oppose this bill anyway, and it used the criticism of this amendment that it blows up the carefully crafted compromise that we have. We have even had members of our committee who voted against that carefully crafted compromise, come here and tell you to vote against the Lungren amendment because it upsets the compromise. They do not tell you that they were against the compromise in the first place.

Lastly, I do not understand those Members who fought valiantly for us to have an open rule, to have 69 amendments in order, who now argue that you cannot consider any of the amendments seriously because they will upset the carefully crafted work that was done in the committee.

I say to my colleagues, we move from a 1981 date to a 1982 date, basically on a party line vote. I think that was unfortunate. I do not think we fully discussed this. It was one of the very few things that was done on a party line basis.

So, if we can change in the subcommittee, if we can change in the full committee, why can we not have an opportunity to change here? I do not frankly care what the AFL-CIO says. I do not care what the Chamber of Commerce says at this point with respect to the entire bill. What we have shown is that this body is willing to decide these issues within this body as we relate to our own constituencies, and that is as it should be.

Maybe it is one of the few times that we have been able to do that in this fashion. I think we should be congratulated for it. I do not think we should be condemned because we make changes in this bill. We are not perfect in the committee or the subcommittee. Some of those changes are

actually for the better. For all those Members who may be dropping off because those amendments have been adopted, I would suggest we have got as many or more Members who are going to support this bill in its final form because we in fact have adopted the amendments as they are.

I would just suggest if you want a commonsense, comprehensive compromise on this question, support the Lungren amendment.

The CHAIRMAN. The Chair now recognizes the gentleman from Kentucky [Mr. MAZZOLI] to close debate.

Mr. MAZZOLI. Thank you very much, Mr. Chairman and ladies and gentlemen of the House.

Let me first pay public tribute to the Speaker of the House, the distinguished gentleman from Massachusetts, Mr. O'NEILL. When our Speaker suggested that this bill would come to the floor, it indeed came to the floor, and when the Speaker said publicly that he would give this bill time to be heard, he has done that. I want to thank the Speaker for that kind of show of courage on his part and deference to this committee.

I would like to pay tribute to my chairman, the gentleman from New Jersey who has been a stalwart supporter of the gentleman from Kentucky. He has given the gentleman from Kentucky a chance to work with the bill.

Let me salute the President of the United States who had the courage on last Thursday night in the course of the press conference to come out in favor of legalization or amnesty or whatever we want to call it. That took courage on his part and I hope that Members, not only of his party but our party as well, understand that that component part of this bill, that of legalization, strikes the President as a necessary element without which the bill lacks balance.

Let me last but not least pay tribute to my friend from California, DAN LUNGREN, who has shouldered a very heavy load on this side of the aisle. He has been with me for the last 4 years working on the bill. This has been difficult for him, for all of us. I want to salute DAN for having worked in a very close yoke with the gentleman from Kentucky.

Let me say, back in Kentucky, when I was in the State Senate, we had a little rule of thumb, and maybe we might apply it to this bill. With respect, let me suggest we always felt back home that if, on a given bill, the AFL-CIO was against it, and the Chamber of Commerce was against it, then the bill had to be a pretty good bill. I understand that the AFL-CIO is supposedly against our bill; I understand that the National Chamber of Commerce is against our bill, so let me heartily recommend our bill as prob-

ably being an excellent piece of draftsmanship.

Let me suggest that the two-tier approach of my friend from California, which was in the original bill, is not meant to hurt anybody. It is not meant to put people in bondage or not meant to put people in deprivation or in any sort of a discriminatory mode. It is meant as a good faith effort to not only provide a workable system but a system which is fair to all parties.

I respectfully oppose my friend's amendment. I think it ought to be voted down, and I hope it is voted down strongly. It does a couple of things which I do not believe are correct. One, it reduces I think, by the fact that there would be a temporary program in here of temporary residency, reduces the incentive to come forward. We have wanted our bill to be honest, one that people would come forward to take advantage of.

Second, and questionably, it increases the administrative workload. You have got two or three hoops to jump through. Two or three moments when you have to present yourself to the authorities and that is not necessarily designed to reduce the cost of the bill.

Frankly, the more remote the date is, whether you can go back to 1980, which is a pretty close-in date, but the more remote the date is, the more likely you are to have had American children born to families here without proper documentation. Were those families to be uprooted and sent back because they do not qualify by the date, that is disruptive to say the least.

Let me remind my friends in the House, first of all, this is, despite what anyone has said, is not a blanket amnesty program. It is a case-by-case adjudication program. Everyone who would seek advantage of it must come forward and prove that they have been here by a given date; that they are not of bad character; that they have not been the kind of people we do not want here. They have not been dependents; they have not been bad actors.

Second, we know for a fact, it has been stated many times, a component part of any proper and humane form of immigration reform is legalization, and if you accept that, as my friend, the gentleman from Michigan [Mr. SAWYER] did, this day, and on last week, I ask that the House defeat the gentleman's amendment and support the committee bill.

● Mr. FAUNTROY. Mr. Chairman, I rise in opposition to amendment 46 which would substitute a two-tier 1977-80 legalization program for the committee proposal. The amendment offered by our distinguished colleague falls short of the committee proposal in terms of administrative efficiency,

and the ability to target enforcement in a workable manner on new flows of undocumented workers. Additionally, amendment 46 would treat people similarly situated in an unequal fashion. It is inferior to the committee proposal in terms of fairness and I urge its rejection. ●

The CHAIRMAN. The question is on amendment No. 46 offered by the gentleman from California [Mr. LUNGREN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LUNGREN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 245, not voting 7, as follows:

[Roll No. 245]

AYES—181

Andrews (NC)	Hansen (UT)	Parris
AuCoin	Harrison	Pashayan
Badham	Hartnett	Petri
Barnard	Hatcher	Porter
Bartlett	Hefner	Pritchard
Bateman	Hiler	Pursell
Bennett	Hillis	Quillen
Bereuter	Holt	Ray
Bilirakis	Hopkins	Regula
Bliley	Horton	Reid
Boehlert	Hughes	Ridge
Boner	Hunter	Ritter
Breaux	Hutto	Roberts
Brown (CO)	Hyde	Robinson
Broyhill	Ireland	Rogers
Bryant	Jeffords	Roth
Burton (IN)	Jenkins	Roukema
Byron	Jones (TN)	Rowland
Campbell	Kasich	Rudd
Carney	Kazen	Schaefer
Chappie	Kindness	Schulze
Cheney	Kramer	Shaw
Clinger	Lagomarsino	Shelby
Coats	Latta	Shumway
Coleman (MO)	Leach	Shuster
Coleman (TX)	Lent	Slisisky
Conable	Levitas	Skelton
Coughlin	Lewis (CA)	Smith (NE)
Courter	Lewis (FL)	Smith, Denny
Craig	Livingston	Smith, Robert
Crane, Daniel	Lott	Snowe
Crane, Philip	Lowery (CA)	Snyder
D'Amours	Lujan	Solomon
Daniel	Lungren	Spence
Dannemeyer	Mack	Spratt
Darden	MacKay	Stangeland
Daub	Madigan	Sundquist
Davis	Marlenee	Tallon
Derrick	Marriott	Tauke
Dickinson	Martin (IL)	Taylor
Dreier	Martin (NC)	Thomas (CA)
Durbin	Martin (NY)	Thomas (GA)
Edwards (AL)	McCandless	Torricelli
Edwards (OK)	McCollum	Volkmer
Emerson	McDade	Walker
Erdreich	McEwen	Weber
Erlenborn	McGrath	Whitehurst
Evans (IA)	McKernan	Whitley
Fish	Mica	Whittaker
Flippo	Michel	Williams (OH)
Fowler	Miller (OH)	Winn
Franklin	Moore	Wolf
Frenzel	Moorhead	Wortley
Frost	Murphy	Wylie
Gekas	Myers	Yatron
Gingrich	Neal	Young (AK)
Goodling	Nelson	Young (FL)
Gore	Nielson	Zschau
Gradison	O'Brien	
Gregg	Oxley	
Gunderson	Packard	

NOES—245

Ackerman	Gephardt	Oberstar
Addabbo	Gibbons	Obey
Akaka	Gilman	Olin
Albosta	Glickman	Ortiz
Alexander	Gonzalez	Ottlinger
Anderson	Gramm	Owens
Andrews (TX)	Gray	Panetta
Annunzio	Green	Patman
Anthony	Guarini	Patterson
Applegate	Hall (OH)	Paul
Archer	Hall, Ralph	Pease
Aspin	Hall, Sam	Penny
Barnes	Hamilton	Pepper
Bates	Hammerschmidt	Perkins
Bedell	Hance	Pickle
Beilenson	Harkin	Price
Berman	Hawkins	Rahall
Bethune	Hayes	Rangel
Bevill	Heftel	Ratchford
Biaggi	Hertel	Richardson
Boggs	Hightower	Rinaldo
Boland	Howard	Rodino
Bonior	Hoyer	Roe
Bonker	Hubbard	Roemer
Borski	Huckaby	Rose
Bosco	Jacobs	Rostenkowski
Boucher	Johnson	Roybal
Boxer	Jones (NC)	Russo
Britt	Jones (OK)	Sabo
Brooks	Kaptur	Savage
Broomfield	Kastenmeier	Sawyer
Brown (CA)	Kemp	Scheuer
Burton (CA)	Kennelly	Schneider
Carper	Kildee	Schroeder
Carr	Kleczka	Schumer
Chandler	Kogovsek	Seiberling
Chappell	Kolter	Shannon
Clarke	Kostmayer	Sharp
Clay	LaFalce	Sikorski
Coelho	Lantos	Siljander
Collins	Leath	Simon
Conte	Lehman (CA)	Skeen
Conyers	Lehman (FL)	Slattery
Cooper	Leland	Smith (FL)
Coyne	Levin	Smith (IA)
Crockett	Levine	Smith (NJ)
Daschle	Lipinski	Solarz
de la Garza	Lloyd	St Germain
Dellums	Loeffler	Staggers
DeWine	Long (LA)	Stark
Dicks	Long (MD)	Stenholm
Dingell	Lowry (WA)	Stokes
Dixon	Luken	Stratton
Donnelly	Lundine	Studds
Dorgan	Marky	Stump
Dowdy	Martinez	Swift
Downey	Matsui	Synar
Duncan	Mavroules	Tauzin
Dwyer	Mazzoli	Torres
Dyson	McCain	Towns
Early	McCloskey	Traxler
Eckart	McHugh	Udall
Edgar	McKinney	Valentine
Edwards (CA)	McNulty	Vandergriff
English	Mikulski	Vento
Evans (IL)	Miller (CA)	Vucanovich
Fascell	Mineta	Walgren
Fazio	Minish	Watkins
Feighan	Mitchell	Waxman
Ferraro	Moakley	Weaver
Fiedler	Molinar	Weiss
Fields	Mollohan	Wheat
Florio	Montgomery	Whitten
Foglietta	Moody	Williams (MT)
Foley	Morrison (CT)	Wirth
Ford (MI)	Morrison (WA)	Wise
Ford (TN)	Mrazek	Wolpe
Frank	Murtha	Wright
Fuqua	Natcher	Wyden
Garcia	Nichols	Yates
Gaydos	Nowak	Young (MO)
Gejdenson	Oakar	

NOT VOTING—7

Corcoran	Hansen (ID)	Vander Jagt
Dymally	McCurdy	
Hall (IN)	Sensenbrenner	

□ 1650

The Clerk announced the following pair:

On this vote:

Mr. Corcoran for, with Mr. Dymally against.

Messrs. ENGLISH, FIELDS, MOLLOHAN, and WATKINS changed their votes from "aye" to "no."

Mr. McKAY, Mr. PHILIP M. CRANE, and Mr. HARRISON changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 47 OFFERED BY MR. SHAW

The CHAIRMAN. Amendment No. 47 is in order at this time.

Does the gentleman from Florida [Mr. SHAW] desire to offer amendment No. 47?

Mr. SHAW. Yes, I do, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHAW: Page 90, lines 9, 23, and 25, page 91, lines 2, 4, 6, and 8, and page 98, after line 21, strike out "1982" and insert in lieu thereof "1980".

Page 90, line 21, strike out "(2)(A)" and insert in lieu thereof "(2)(A)(i)".

Page 91, lines 1 and 9, strike out "(B)" and "(C)", respectively, and insert in lieu thereof "(ii)" and "(iii)", respectively.

Page 91, line 14, strike out "and" and insert in lieu thereof "or".

Page 91, after line 14, insert the following new subparagraph:

"(B) the alien—

"(i) has received an immigration designation as a Cuban/Haitian Entrant (Status Pending), or

"(ii) is a national of Cuba or Haiti who are arrived in the United States before January 1, 1982, with respect to whom any record was established by the Immigration and Naturalization Service before January 1, 1982, and (unless the alien filed an application for asylum with the Service before January 1, 1982) who was not admitted to the United States as a nonimmigrant; and

Page 92, amend the sentence beginning on line 4 to read as follows: "For purposes of paragraph (1), an alien described in paragraph (2)(B) shall be considered to have entered the United States."

□ 1700

Mr. SHAW. Mr. Chairman, today I am offering a compromise amendment which I feel offers Members a commonsense approach to the legalization section regardless of how Members feel about legalization in general. In fact, later we will be given an opportunity to strike the legalization section entirely. However, right now we have the opportunity, through my amendment, to push the legalization date in the bill back from 1982 to 1980. Why use 1980 as a cutoff? I feel that there are very strong reasons for choosing 1980 as the cutoff year.

First, prior to 1980, there was no official talk of any amnesty program for illegal aliens. However, in 1980, the Select Commission on Immigration Reform, which was charged with the responsibility of studying our immi-

gration problems and making recommendations, began discussing the feasibility of a massive legalization program. The word spread quickly that the United States might be thinking of granting amnesty to illegal aliens. In fact, it was reported that some of the people who entered illegally in south Florida did so because of the so-called amnesty that was about to be conferred. I think it is wrong to reward those who came to this country illegally simply to take advantage of a legalization program. The Lungren amendment would embrace only those who came to the United States previous to the amnesty discussions.

Second, one of the major arguments for a legalization program is that the United States is recognizing that many of the illegal aliens who have been residing in this country for several years have built up equity. This, however, is rarely true with illegal aliens who have only been here since 1982. So the equity argument is not valid.

Third, we have no real idea of how many aliens we are talking about. Conservative estimates start at 6 million while other estimates range from 8 to 12 million. Imagine the possibility of 12 million illegal aliens residing in this country. And do we have any idea what the impact, financial and otherwise, would be on State and local governments and agencies once these people are free to come forward and apply for this legalization process? Under my amendment, at least 1 million and possibly up to 4 million of the most recently arrived illegal aliens would be disqualified from taking part in the legalization program.

Therefore, if you are looking for an amendment which offers a compromise to the broad and overly generous 1982 legalization date in H.R. 1510, I hope you will support the Shaw amendment. It is fair. It is logical. And, by accepting this amendment you can insure yourself a safeguard against the broad 1982 date currently contained in the bill, regardless of how you plan to vote later on striking the legalization section entirely.

Mr. Chairman, this amendment differs from the previous amendment in that it does not have a two-tier process. It simply changes the date that appears in the bill from 1982, it slides it back to 1980.

I think it offers a compromise that all of us can support.

The question of what is going to happen with the McCollum amendment, I am concerned in particular with some of the comments made by one of the previous speakers that a vote for one of these amendments would be a vote for amnesty. This is not true.

I myself may very well support the McCollum amendment.

What this simply does is offer a position where the Members can push

back the legalization date. The legalization date simply is trying to focus on the question of equity that people who have been here have gained by their presence in the United States. There are many who feel very strongly that by not having effectively adopted an immigration program that our country is guilty of some type of laches or some type of a status where we should recognize the equity that these people have built up, even though they have been here over the years illegally. This is a commonsense approach.

I would hope that each of the Members would examine the points very carefully and vote in favor of the Shaw amendment.

I yield back the balance of my time.

Mr. MAZZOLI. Mr. Chairman, I move to strike the requisite number of words. I do not intend to take a long time to speak on my friend's amendment. I think he anticipates a fairly short debate and a very short vote, perhaps by voice.

I think what the gentleman has done is to make a very constructive offering because he does have one aspect which is attractive and which is what our committee sought in defeating the Lungren offering. One of the objectives was to seek a legalization formula that has a single tier. The Shaw amendment has the single date and a single tier. The Wright offering, which will come shortly, has a single date. Of course your committee bill has a single date and a single tier.

So the only thing we are arguing about now is dates. We have accepted the fact you will not have a temporary residency period, but have a permanent residency period.

Let me just respectfully suggest to my friends that they vote down my friend's offering. It is, again, a very good faith offering, very serious, by a gentleman who, while not a member of our subcommittee, has made very constructive offerings from start to finish on our bill, and whose help we have appreciated.

But the gentleman would return the date to 1980, and simply stated, we have already voted just a moment ago by 245 to 181. This House went on record that it wanted a more generous date than 1980. It wanted a 1982 date, and that 1982 date is in the Wright amendment. The 1982 date is in the committee bill.

So let me just suggest that while the gentleman does offer the amendment as a good faith offering, which it clearly is, and while it may be somewhat alluring or bewitching because it does have the single tier, its fatal defect is that it has the date of 1980. We have already debated the point about if you go back to 1980 there are too few people involved. If you go back to 1980 you have a very large class of people who do not qualify for legalization,

and that class could feel very scorned and they might feel that they are here in a kind of subordinate role, not as full-fledged citizens.

□ 1710

That individual in a class not covered might feel even resentful.

So let me urge my friend again, perhaps without a lot of debate to reject the gentleman's good faith offering.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the distinguished chairman of our committee.

Mr. RODINO. I thank the gentleman for yielding.

I think the gentleman in the well, the chairman of the subcommittee, has stated his case clearly. This is merely a rehash of what we had a while ago except for the fact it may take away the bite of the two-tier complication that was in the prior amendment. But it is going to do nothing to offer an opportunity to those people who will be left in legal limbo: those who have been here since 1980 who have been working, who have become part of our society, who have been productive and who, from all data we have been able to compile, have been worthwhile individuals who would be eligible if given the opportunity to apply for citizenship.

Again, I say that is not what our intention is. I think our intention is to legalize, to put this in balance and for that reason, I urge defeat of the amendment.

Mr. MAZZOLI. May I suggest, under the rule which was very, very wonderfully crafted by the Rules Committee, there is this sequence of amendments. We have now disposed of one.

The second amendment, the Shaw offering, is before us. If it fails or if it carries, either one, we then move to the Wright amendment. And if the Wright amendment were to carry, that supplants the amendments prior to.

So we play what is called King of the Mountain. I think in this situation that the gentleman's amendment should not be voted up.

Mr. SAWYER. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to my friend from Michigan.

Mr. SAWYER. I thank the gentleman for yielding.

One additional thing, in addition to leaving these people in limbo you are also kicking them out of their jobs and leaving them unemployed and in limbo which would create not only a large reservoir of illegal aliens but worse than that, unemployed illegal aliens.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. Happy to yield to my friend.

Mr. LUNGREN. That is not quite accurate. The fact of the matter is as

long as you stay in the job you had at the time this bill goes into effect, you are not affected in any situation.

The employers' sanctions only refers to new hires. So no one is kicked out of any jobs.

The fact is, if you seek new employment and you are in this status, then you would be affected, but as long as you would remain in the job you had already found yourself in, it does not affect it whatsoever.

So at least we ought to talk about the amendments before us. This gentleman had enough trouble defending his amendment when we talked about everything else, and I think Mr. SHAW should have us at least talk about the amendment he has presented, not something that someone has suggested he would like to present.

Mr. MAZZOLI. I thank the gentleman.

I yield back the balance of my time. Mr. HANCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. I think if you vote for this amendment, you are voting for amnesty.

I just want to make sure everyone understands this is a vote for amnesty if you vote for this amendment. I do understand the gentleman is trying to improve the bill. But it does not matter whether you are for 2 years or 4 years amnesty; you are still for it.

I think one of the earlier comments was that it would be unfortunate to have illegal aliens unemployed. I agree with that. But I will tell you something that is more unfortunate, and that is to have American citizens unemployed.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. HANCE. I yield to the gentleman from Florida.

Mr. SHAW. I think the point you have made with regard to the unemployment of Americans who have been unemployed due to the presence in large part by illegal aliens is an excellent argument and one I think this House can embrace and one I think we should very much consider when we are voting.

However, the logic does not apply in my opinion when you are talking about what is before the House right now, a simple proposition: Are we going to turn that date back from 1982 back to 1980? How that can be construed as a vote in favor of legalization when we are cutting back on legalization, I do not know.

There are many Members of this House who are going to vote "yes" on the Shaw amendment and then are going to vote "yes" on the McCollum amendment. There is absolutely nothing inconsistent about that. Nor would it be inconsistent to vote "yes" on the Shaw amendment and then vote "no" on the McCollum amendment.

Mr. HANCE. I appreciate the gentleman's comments. I understand what you are trying to do. But I think a Member of this body will have a difficult time explaining to the voters of their congressional district that they voted for amnesty.

The only thing the public is going to look at is were you for 2 years or 4 years of legalization or amnesty, whatever you want to call it. Amnesty is what most people call it, throughout this country that is what the press calls it, amnesty. I think the key as far as the public is concerned is whether you voted for amnesty or against amnesty.

Mr. SHAW. If the gentleman from Texas would yield further.

I think the people in Florida would understand it. I would also venture that the people in Texas would equally understand it. I think part of this job is communicating with the people that we are representing.

I think that is probably the reason for the 2-year term also.

Mr. HANCE. I agree with that for individuals that follow legislation very closely they might have some understanding of the process, but the key is that this amendment puts you on record being a Member who would vote for immigrants to be here 4 years instead of just 2 years; either way you are for amnesty for people who come to this country illegally.

That is the reason I rise in opposition to the amendment.

I yield back the balance of my time.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words.

I thank the chairman.

Mr. Chairman, I want to take this opportunity to ask the author of the pending amendment a couple of questions.

During the debate earlier this afternoon on the Lungren two-tier amendment, one of the objections raised related to the cost of having two tiers—the administrative costs and delays of having a period of a number of years prior to permanent residence.

Do I understand from my friend from Florida that his amendment involving only one tier—one cutoff date for legalization—could not be subject to the same criticism in terms of the administrative costs and delays that would be incurred with two tiers?

Mr. SHAW. If the gentleman will yield, the gentleman is quite correct in his observation. As a matter of fact, as you cut down on the pool of those out there that would be subject to legalization, you are actually cutting back on the administrative load that would be placed on the Immigration Service.

Mr. FISH. Well, I think, having listened to the arguments against the prior amendment that related to the issue of the various problems inherent in having two tiers—that you have overcome these in your amendment.

I would be happy to support it.

Mr. SHAW. That is quite correct.

I thank the gentleman.

Mr. McNULTY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, peers, for heaven's sake defeat this amendment and with it defeat the myth of the plotting, scheming immigrant, because he comes from the same whole cloth from which comes the plotting, scheming criminal.

Almost everybody in this Chamber has at one time or another in his or her legislative life been confronted with the question of sanctions for criminal punishment.

In New Mexico they give 10 years for first degree burglary and we only give 5 years here in Arizona. Conclusion: The thinking criminal of New Mexico commits burglaries in Arizona because he will only receive a 5-year sentence, if found.

Well, the same thing is true with respect to these people. Which of you would give up your home and for what reason would you do it? Because you were attracted somewhere else? Of course not. Because a deterioration of your sense of well-being where you are, as a last act of desperation, you look for somewhere else to go.

So as a person who has traveled the Babicoras and the Sahuaripap and the Granados of Sinaloa and Sonora and Chihuahua, I can tell you from firsthand experience there are not knots; little groups of people terribly ungraced, thinking up datelines by which they must come under the fence.

That is not the case at all. So discharge that from your ideas and vote "no" on this amendment and accept the sensible 1982 date that the committee as proposed.

Mr. DAUB. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to rise in support of the well-crafted amendment of my colleague from Florida.

□ 1720

I am going to support it for two reasons. First, because in previous debate on this bill the committee has rejected the Moorhead amendment and basically the concept that there ought to be some limitation on the numbers in the outyears.

As my colleagues all know, I have been talking about the stark reality of the suffocating numbers of faces that are going to come into this country and, in my judgment, deprive a lot of folks who are here already of what they are entitled to by way of full participation in our society.

Because of the absence of agreement on limiting the numbers at some point in time in the future, I am going to support this amendment.

That brings me to my second reason. Because it provides for the orderly legalization of a substantial number of those who are here on documented status, and indeed, my colleagues, should we not be mindful of serving those who come first?

Mr. CROCKETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the subcommittee and full Committee of the Judiciary charged with this legislation, I can fully appreciate the hard work done by the chairman of the subcommittee and the chairman of the full committee to resolve some of these basic problems that confront us with respect to immigration.

But I am not going to be able to vote for final passage of this legislation and since I do not intend to do that, it probably makes no difference what my position is on this particular amendment. Except that I feel compelled to use this occasion to let my vote be a statement because what is involved here is a significant difference between the cutoff date for legalization set forth in the act as it came out of our committee, January 1982, and the date that is proposed in the amendment offered by the gentleman from Florida, which is 1980.

That significant difference is as clear as the difference between black and nonblack.

If you accept this amendment then, of course, you feel in. All of the Cubans who came over because they came over before 1980. You exclude all of the Haitians who came over because they came over after 1980.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. CROCKETT. I yield to the gentleman from Florida.

Mr. SHAW. I thank the gentleman for yielding.

The bill makes a specific exemption as to the Haitians and the Cubans who enjoyed entrance status. So the year 1982 under the Shaw amendment would still apply to the Cubans and the Haitians.

Mr. CROCKETT. What we are concerned about is the perception, whether or not the bill contains that provision, the perception is that the amendment is anti-Haitian. That is the perception that people out in the street will have, that is the perception that will be confronting those of us who run for reelection in districts where we have a Haitian constituency.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. CROCKETT. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Let me thank the gentleman from Michigan, Judge CROCKETT, for all of his help in these last several months. He has been a member of my subcommittee for several months.

Let me just respectfully suggest to my friend the judge, that the perception could well exist—but the task that we have as Members of Congress is to overcome perception.

I would say my friend from Florida is right. In the bill is the legalization of all the Haitians and the Cubans up to January of 1982. That is not dealt with by the gentleman's amendment. It is in the bill.

We would love to have the gentleman's help with the bill because that is an important part of our bill which may not independently be able to go through this shortened legislative period. So perhaps my friend, the judge, could perhaps even help the bill in final passage.

Mr. CROCKETT. At least this exchange clears it up.

Mr. SHAW. If the gentleman would yield further to me, I would like to point out to the chairman of the subcommittee that it is specifically provided in my bill and I would invite the gentleman's attention to page 270, starting at line 1.

I thank the gentleman.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. GONZALEZ was allowed to proceed for an additional 5 minutes.)

The CHAIRMAN. The gentleman from Texas [Mr. GONZALEZ] is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Chairman, any suggestion that this bill provides an amnesty is a misnomer; what it provides is a limited chance for a limited number of people to adjust their status from undocumented to documented. It does not confer citizenship. It does not give a blanket right to adjust status—only an opportunity to apply, and even then the Senate bill would deny any right of appeal from administrative decisions, however wrong or arbitrary or contrary to law they might be. That is hardly an amnesty.

The fact of the matter is that the Mazzoli bill would give the right to apply for legal status only to people who would have been entitled to legal status in the first place—people who would have been admitted as immigrants if visa numbers had been available. And we all know that in the case of Mexico, at least, the possibility of getting a visa is nonexistent except for those in the two top preference categories. The legalization provision in effect says, "if our law had been reasonable in the first place, you would have been admissible. We're now giving you a limited chance to obtain documents." Calling this limited legalization program an amnesty is a gross inaccuracy.

The bill says that you have only a limited amount of time to apply for legalization; it leaves it up to the appli-

cant to prove that he or she was continuously in the country—whatever the word "continuously" is eventually construed to mean—for a prescribed amount of time. The applicant can't become a public charge; nor can anyone with any record of a criminal offense or even a series of misdemeanors adjust status. Any undocumented alien with less than a sterling character, or any alien who can't meet yet to be devised standards of proof, need not apply for legalization. And indeed, anyone who applies must do so in the knowledge that failure to qualify, for any reason, means the likelihood of deportation. In a very real sense, the bill doesn't offer amnesty so much as it offers a chance to turn yourself in. It is true that the House bill says that applicant documents submitted are confidential, but the organizations that have the documents can't process them. Only the Attorney General can say who qualifies and who does not, and of course he is also the official empowered to deport those who do not qualify—he is judge, jury, and executioner. Thus, if there is some question about eligibility for legalization, no agency that accepts your application can give you much more than advice about how risky it would be to submit the application to the Attorney General.

The only sure way to get an answer on any question of eligibility would be to take the risk of being deported. If the standards were more clear, then the guarantee that applications can be received in confidence by designated nongovernment agencies would have greater meaning; but since no such agency can be sure that its advice is correct, it would have no alternative but to forward only the safest applications and advise all others either to run the risk of being found deportable or simply to remain as they are—undocumented. Indeed, it is not likely that more than half the alien population will even be eligible to adjust status, let alone qualify.

The bill would probably make legalization impossible for many undocumented aliens who are in fact solid, positive members of society. I have been advised by the committee staff that one family wouldn't be eligible for legalization even though that family had an absolutely stunning record of citizenship and productivity—so much so that newspapers have editorialized against attempts to deport them. Why couldn't they adjust status? Because, I am told, at one time or another, one member of the family has used a false green card, a border crossing document. The term "otherwise admissible," which is the ultimate standard prescribed for legalization, is so vague that the administration could easily deny legalization to anyone it wanted to, for whatever

reasons it wanted to invoke. If the family I have in mind is not eligible, the legalization provisions of this bill represent anything but amnesty. It might make possible an adjustment for some, but I suspect many—if not most—will be so wary of the vague standards and likelihood of arbitrary action—action that is not appealable under the bill as passed by the Senate—that only the brave or the foolhardy might apply for legalization. The legalization provisions will no doubt solve some problems for some people, but I suspect that for half or more of the illegal aliens in this country, legalization will be impossible or not worth the risk of applying, since even under the House bill the agencies that can receive your application in confidence cannot act upon it. Ultimately, the only way to have a chance at becoming legalized would be in effect to turn yourself in, to be judged by standards that have yet to be devised, and submit to proceedings that may turn out not to be appealable, if the Senate bill prevails in conference. For if you apply and can't qualify, you are sure to be deported. Vast numbers will prefer not to run the risk of deportation.

Calling the legalization program an amnesty is a misnomer; calling the bill itself a reform is a misnomer. Immigration law is not reformed when the bill keeps in place country limits that make legal entry all but impossible for Mexicans, who constitute perhaps half the country's illegal aliens. Order is not restored when employer sanctions will in fact act as more of a discrimination device than any uniform check on legal status, thanks to vague documentation requirements and hazy enforcement provisions. The much-feared flood of easily exploitable, cheap labor is not halted when the bill embraces an annual flood of perhaps a half million foreign farmworkers who are given virtually no legal protections against exploitation of the most vicious kind. It may comfort some to claim that the legalization provisions in this bill represent the best of bad choices, but that argument rings hollow when you recognize that anybody who seeks legalization under the terms of this bill does so only at great risk. Does this bill provide amnesty? Hardly. Does it provide reform? Not at all. What the bill does is to allow those who want cheap farm labor to get all of it they want, playing off the poorest of our poor against the poorest of Mexico's poor, and to give those who want to say they reformed immigration to claim action. But the bill does not address root causes, it does not reform, and it will ultimately be found, as virtually all other immigration bills have been, to be a failure. For this bill, like those that have gone before, is a product of the fears and prejudices of its time. It is no less

wrong than the Chinese Exclusion Act, no less biased than the old quota system, and no less unworkable than the disastrous so-called reform of 1965, the bill that led largely to the flood of illegal immigration that we have to day—because it prescribed unrealistic and unenforceable country limitations, which limitations will go almost unchanged in this bill. But it satisfies the fears of the moment, the same fears that in earlier times have lain behind other bills that sought to exclude orientals or southern Europeans or Africans. Ultimately, this bill represents reaction, not reform.

● Mr. TOWNS. Mr. Chairman, I rise in opposition to this amendment. The numbers of illegal aliens in the United States have been grossly exaggerated. The Census Bureau counted 2.1 million in 1980, and believes on the basis of these statistics that there can be no more than 4 million illegal aliens here. Certainly 6 million is an outside figure. Even with this reduction in numbers, INS says only 65 percent have resided continuously since January 1, 1982. Only 65 percent are expected to apply meaning only about 1.7 million will legalize.

The legalization provisions in the Judiciary Committee bill do not authorize a blanket amnesty. The INS will have ample opportunity to establish screening criteria. The burden of qualifying for legalization rests with the alien. If we believe that an amnesty program is needed to balance employer sanctions in this bill, then we should have the most comprehensive bill possible. Therefore, I urge my colleagues to support the January 1, 1982, as reported by the Judiciary Committee.●

□ 1730

The CHAIRMAN. The question is on amendment No. 47 offered by the gentleman from Florida [Mr. SHAW].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHAW. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 246, not voting 10, as follows:

[Roll No. 246]

AYES—177

Andrews (NC)	Byron	D'Amours
Aspin	Campbell	Daniel
AuCoin	Carney	Dannemeyer
Badham	Carper	Darden
Barnard	Chappie	Daschle
Bartlett	Cheney	Daub
Bateman	Clinger	Derrick
Bennett	Coats	Dickinson
Bereuter	Coleman (MO)	Donnelly
Bilirakis	Conable	Dorgan
Bliley	Coughlin	Dreier
Boehlert	Courter	Duncan
Brown (CO)	Craig	Durbin
Broyhill	Crane, Daniel	Edwards (AL)
Burton (IN)	Crane, Philip	Emerson

Erlenborn	Lungren	Rowland
Evans (IA)	Mack	Rudd
Fish	MacKay	Schaefer
Fowler	Madigan	Schulze
Franklin	Marlenee	Sharp
Frenzel	Marriott	Shaw
Prost	Martin (IL)	Shelby
Gekas	Martin (NC)	Shumway
Gibbons	Martin (NY)	Shuster
Gingrich	McCandless	Sisisky
Goodling	McCollum	Smith (IA)
Gore	McEwen	Smith (NE)
Gradison	McGrath	Smith, Denny
Gregg	McKernan	Smith, Robert
Gunderson	Mica	Snowe
Hansen (UT)	Michel	Snyder
Harrison	Miller (OH)	Solomon
Hartnett	Moore	Spence
Hatcher	Moorhead	Spratt
Hiler	Murphy	Stangeland
Hillis	Myers	Sundquist
Holt	Neal	Tallon
Horton	Nelson	Tauke
Hughes	Nielson	Taylor
Hunter	O'Brien	Thomas (CA)
Hutto	Oxley	Thomas (GA)
Hyde	Packard	Torricelli
Jeffords	Parris	Vander Jagt
Jenkins	Pashayan	Walker
Jones (OK)	Petri	Watkins
Kasich	Porter	Weber
Kindness	Pritchard	Whitehurst
Kramer	Pursell	Whitley
Lagomarsino	Quillen	Whittaker
Latta	Roy	Williams (OH)
Leach	Reguia	Wilson
Lent	Reid	Winn
Levitass	Ridge	Wolf
Lewis (CA)	Ritter	Wortley
Lewis (FL)	Roberts	Wyllie
Livingston	Robinson	Yatron
Lott	Rogers	Young (AK)
Lowery (CA)	Roth	Young (FL)
Lujan	Roukema	Zschau

NOES—246

Ackerman	Dicks	Hayes
Addabbo	Dingell	Hefner
Akaka	Dixon	Heftel
Albosta	Dowdy	Hertel
Alexander	Downey	Hightower
Anderson	Dwyer	Hopkins
Andrews (TX)	Dyson	Howard
Annuizio	Early	Hoyer
Anthony	Eckart	Hubbard
Applegate	Edgar	Huckaby
Archer	Edwards (CA)	Jacobs
Barnes	Edwards (OK)	Johnson
Bates	English	Jones (NC)
Bedell	Erdreich	Jones (TN)
Beilenson	Evans (IL)	Kaptur
Berman	Fascell	Kastenmeier
Bethune	Fazio	Kazen
Bevill	Feighan	Kemp
Biaggi	Ferraro	Kildee
Boggs	Fiedler	Kleczka
Boland	Fields	Kogovsek
Boner	Flippo	Kolter
Bonior	Florio	Kostmayer
Bonker	Foglietta	LaFalce
Borski	Foley	Lantos
Bosco	Ford (MI)	Leath
Boucher	Ford (TN)	Lehman (CA)
Boxer	Frank	Lehman (FL)
Breaux	Fuqua	Leland
Britt	Garcia	Levin
Brooks	Gaydos	Levine
Broomfield	Gejdenson	Lipinski
Brown (CA)	Gephardt	Lloyd
Bryant	Gilman	Loeffler
Burton (CA)	Glickman	Long (LA)
Carr	Gonzalez	Long (MD)
Chappell	Gramm	Lowry (WA)
Clarke	Gray	Luken
Clay	Green	Lundine
Coelho	Guarini	Markey
Coleman (TX)	Hall (IN)	Martinez
Collins	Hall (OH)	Matsui
Conte	Hall, Ralph	Mavroules
Conyers	Hall, Sam	Mazzoli
Coyne	Hamilton	McCain
Crockett	Hammerschmidt	McCloskey
de la Garza	Hance	McCurdy
Dellums	Harkin	McDade
DeWine	Hawkins	McHugh

McKinney	Perkins	Staggers
McNulty	Pickle	Stark
Mikulski	Price	Stenholm
Miller (CA)	Rahall	Stokes
Mineta	Rangel	Stratton
Minish	Ratchford	Studds
Mitchell	Richardson	Stump
Moakley	Rinaldo	Swift
Molinari	Rodino	Synar
Mollohan	Roe	Tauzin
Montgomery	Roemer	Torres
Moody	Rose	Towns
Morrison (CT)	Rostenkowski	Traxler
Morrison (WA)	Roybal	Udall
Mrazek	Russo	Valentine
Murtha	Sabo	Vandergriff
Natcher	Savage	Vento
Nichols	Sawyer	Volkmer
Nowak	Scheuer	Vucanovich
Oakar	Schneider	Walgren
Oberstar	Schroeder	Waxman
Obey	Seiberling	Weaver
Olin	Shannon	Weiss
Ortiz	Sikorski	Wheat
Ottinger	Siljander	Whitten
Owens	Simon	Williams (MT)
Panetta	Skeen	Wirth
Patman	Skelton	Wise
Patterson	Slattery	Wolpe
Paul	Smith (FL)	Wright
Pease	Smith (NJ)	Wyden
Penny	Solarz	Yates
Pepper	St Germain	Young (MO)

NOT VOTING—10

Chandler	Dymally	Schumer
Cooper	Hansen (ID)	Sensenbrenner
Corcoran	Ireland	
Davis	Kennelly	

□ 1750

The Clerk announced the following pairs:

On this note:

Mr. Corcoran for, with Mr. Dymally against.

Mr. VOLKMER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 48 OFFERED BY MR. WRIGHT

The CHAIRMAN. Amendment No. 48 is in order at this time.

Does the majority leader, the gentleman from Texas [Mr. WRIGHT], desire to offer amendment No. 48?

Mr. WRIGHT. I do, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 48 offered by Mr. WRIGHT: Page 90, line 10, strike out "PERMANENT" and insert in lieu thereof "LAWFUL", and amend the table of contents accordingly.

Page 90, line 14, strike out "permanent" and insert in lieu thereof "temporary".

Page 91, line 18, strike out "(b)(3)" and insert in lieu thereof "(c)(3)".

Page 92, line 15, insert the following new subsection:

"(b)(1) The Attorney General, in his decision and under such regulations as he may prescribe, may adjust the status of any alien provided lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the alien—

"(A) applies for such adjustment during the one-year period beginning with the thirtieth month that begins after the date the alien was granted such temporary resident status;

"(B) establishes that he has continuously resided in the United States since the date the alien was granted such temporary resident status;

"(C)(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3), and

"(ii) has not been convicted of any felony or of three or more misdemeanors committed in the United States;

"(D) can demonstrate that he either (i) meets the requirements of section 312 (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States), or (ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States; and

"(E) can demonstrate, in the case of an alien who is accompanied by a dependent child who is subject to a State law requiring compulsory school attendance, that the child is enrolled (or arranging for enrollment) in an elementary or secondary school or other course of instruction which complies with such law.

An alien shall not be considered to have lost the continuous residence referred to in subparagraph (B) by reason of an absence from the United States permitted under paragraph (3)(A). The Attorney General may, in his discretion, waive all or part of the requirements of subparagraph (D) in the case of an alien who is 65 years of age or older.

"(2) The Attorney General shall provide for the rescission of temporary resident status granted an alien under subsection (a)—

"(A) if it appears to the Attorney General that the alien was in fact not eligible for such status,

"(B) if the alien commits an act that (i) makes the alien inadmissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3), or (ii) is convicted of any felony or three or more misdemeanors committed in the United States, or

"(C) at the end of the twenty-fifth month beginning after the date the alien is granted such status, unless the alien has filed an application for adjustment of such status pursuant to paragraph (1) and such application has not been denied.

"(3) In the case of an alien during the period he is granted lawful temporary resident status under subsection (a)—

"(A) the Attorney General shall, in accordance with regulations, permit the alien to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to adjust to lawful permanent resident status under paragraph (1) and after brief temporary trips abroad occasioned by a family obligation involving an occurrence such as the illness or death of a close relative or other family need,

"(B) the Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an 'employment authorized' endorsement or other appropriate work permit, and

"(C) the alien shall not be deported or otherwise removed from the United States by the Attorney General or other law enforcement agent of the United States except pursuant to a lawful deportation proceeding or other due process of law.

Page 92, line 16, strike out "(b)(1)(A)" and insert in lieu thereof "(c)(1)(A)".

Page 92, line 17, and page 93, line 4, insert "or under subsection (b)(1)" after "subsection (a)".

Page 93, beginning on line 21, strike out "subsection (a)(3)(A)" and insert in lieu thereof "subsections (a)(3)(A), (b)(1)(C)(i)(i)".

Page 93, line 24, insert "(15) (except as it applies to the adjustment to lawful temporary resident status under subsection (a)), after "(10)".

Page 94, beginning on line 11, strike out "During the six-month period beginning on the date of the enactment of this section" and inserting in lieu thereof "Beginning not later than the date designated by the Attorney General under subsection (a)(1)".

Page 94, line 14, insert "in English and other appropriate languages" after "broadly disseminate".

Page 94, at the end of line 16, insert the following new sentence: "Such information shall include (A) information respecting the requirements that aliens with lawful temporary resident status would have to meet to have their status adjusted to permanent resident status under subsection (b)(1) and the facilities available to provide education and employment training and opportunities in order to meet such requirements, (B) information on the conditions under which temporary lawful residence status can be rescinded under subsection (b)(2), (C) information on conditions for employment and foreign travel of aliens with lawful temporary residence status under subsection (b)(3), and (D) information respecting compulsory school enrollment requirements for minors in the various States and localities and the identification of the appropriate schools in which children should be enrolled."

Page 95, line 19, strike out "(c)(1)" and insert in lieu thereof "(d)(1)".

Page 95, line 20, strike out "is granted lawful permanent" and insert in lieu thereof "was granted lawful temporary".

Page 97, line 21, strike out "(d)(1)" and insert in lieu thereof "(e)(1)".

Page 98, in the matter following line 21, strike out "permanent" and insert in lieu thereof "lawful".

Page 101, line 1, strike out "has been granted permanent" and insert in lieu thereof "was granted lawful temporary".

The CHAIRMAN. The gentleman from Texas [Mr. WRIGHT] is recognized for 5 minutes in support of his amendment.

Mr. WRIGHT. Mr. Chairman, this amendment is an attempt to create an orderly system of legalization which will be fair to the country, fair to the immigrant, and acceptable to the American public. It would combine compassion with commonsense.

We have before us now three basic choices.

First of all, we have the committee bill, which would automatically bring in all those who have been in the country since 1982 and make them permanent residents of the United States.

At the other extreme is the McCollum approach, which would allow no legalization at all for any of those unnumbered, probably millions, who have come into this country unlawfully, seeking jobs and seeking opportuni-

ty. It would leave them in their present shadowy substatus, subject to deportation, subject to exploitation, frightful, furtive, and lurking in the shadows of our society, with no change in their status at all, no help.

Then there is this third choice. I think it is a sensible, reasonable middle ground that most Americans would support. It treats all alike. It would allow all those who have been here since January, 1982 to qualify for a temporary residency of 2 years. Having been so endowed as temporary residents of this country, they would be entitled to the full protection of the laws of this country, and they would be entitled to work in this country legally.

During that time if they desire to be permanent residents and make their permanent lot in the U.S. of America, it would permit them to apply for permanent residency and to qualify for it.

The amendment would set up four qualifications, not difficult to meet but sufficient to test the sincerity and the seriousness of purpose of the immigrant who would cast his or her lot with us and with our Nation for the rest of his or her life.

□ 1800

First, the applicant would have to demonstrate, as immigrants to this country are expected to demonstrate, that he is not likely to become a ward upon the State, that he is employable and that he is able and willing to work.

The second qualification is that he has not been convicted of a felony under the laws of the United States or habitually convicted of misdemeanors during that 2 years.

The third qualification is that the individual is at least attempting to learn rudimentary English. My amendment does not require that he have mastered even the rudiments of ordinary English as are required for citizenship, but only that the person be enrolled in some course of study attempting to learn the rudiments of English in order that he or she, admitted to this country, can fully participate in all those boons and blessings that are available in this land of ours.

Thus, it would build the bridge into full participation in our society and not condemn that person to a permanent substatus of menial jobs only. Everyone knows that language is the key to the gates of opportunity.

Finally, if that person is accompanied by children of school age, it would require that those children be enrolled in school. That is all; these are simple qualifications.

Well, what are the advantages of having these qualifications fulfilled by anyone who would be a permanent resident? First, it dignifies the gift that we are bestowing upon these people. It is a precious gift to live the

rest of your life in the United States of America, legally recognized, with status, fully entitled to the protections of the laws and the Constitution of our country. To expect some good faith performance in exchange for that will reinforce the sense of its being worthwhile, the splendid sense of opportunity and accomplishment felt by those who have come to this country in the past and qualified to become full participants in our society.

Second, it would provide the bridge that will dignify the status of the individual. Surely, all of us know that only the most menial jobs characterized by the term "stoop labor," only second class jobs are available to one who does not have any familiarity or facility with the language. This amendment will provide the incentive to cross that bridge into full participation.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. WRIGHT was allowed to proceed for 5 additional minutes.)

Mr. WRIGHT. Finally, I think it would do something for this country as a whole. I am not one of those who believe that we must homogenize America. I do not think we have to pour all these great strains into one great melting pot and come out with a single stream of sameness. I do not think we must obliterate the beautiful, rich culture that gives color to the fabric of American life.

But I do not believe either that we want to create the temptations to a balkanization of American society into little subcultures, each wholly contained and isolated within itself by language, and by custom, and not capable of communicating with one another. Language is the thread, the common thread that ties us all together. When we can communicate one with another by any common language, then all of us are better off because we can understand one another better. We are in truth one nation.

So it is a bridge to nationhood, it is a bridge to full participation and to an honored, dignified status for the immigrant. It is an opportunity for all to qualify for the most precious thing, and that is citizenship in these United States. Ultimately that ought to be the goal. And surely none ought to satisfy themselves, even when they become permanent residents, if they can persevere a bit further and become citizens.

I have attempted in this to protect human and individual rights. I have attempted assiduously to write in full protections against arbitrariness on the part of officialdom. I have a provision which says that the requirement of 1 year's stay in this United States may not be abridged by reason that a temporary legal resident for a perfectly good cause has a casual trip abroad to attend to family business or other

important family matters, and he must be allowed to return.

There is another provision which would exempt from the language qualification people who are 65 years of age or older.

There is another which provides that under no circumstances may the Attorney General or any other official of the United States deport or otherwise remove such a person once granted this status, except by a lawful deportation proceeding or due process of law.

The amendment further guarantees that information shall be widely disseminated in the languages of those who have come to this country seeking opportunity, telling them such things as the exact requirements that aliens with lawful temporary-resident status will meet if they want that status adjusted to permanent status, and the facilities that are available to provide education and employment opportunity and training in order to meet these requirements, as well as information on all the conditions of foreign travel and the other conditions to which they would be applicable. It requires that this information be broadly disseminated among these groups in our society in order that they may be aware of the privileges that we are offering them.

I think something like this will be acceptable to the American people, even though it is true that they have indicated in numerous polls that they are not for unconditional amnesty. Surely, we have to offer some inducement if these people are to come forward and identify themselves and participate legally in our society. Surely, this is not too much to ask and, surely, it is not too little to ask.

I would like to ask for your serious consideration, because I believe this will restore a modicum of fairness and reasonableness to this bill as a whole and help get it back on the track on which most of us want it to be.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Yes; I will yield to my friend, the gentleman from New Mexico, who was standing earlier, and then I will be glad to yield to my friend, the gentleman from California.

Mr. RICHARDSON. Mr. Leader, I wish to commend you on your statement. I am uncertain how I will vote on this amendment.

On the one hand, I applaud the gentleman's efforts on behalf of undocumented workers throughout this Chamber. I applaud the gentleman's efforts on behalf of Hispanic amendments in the gentleman's career.

I have several concerns about the provision that I think has been illustrated by the questions relating to the amendment of the gentleman from Florida [Mr. SHAW] and the amend-

ment of the gentleman from California [Mr. LUNGREN].

I think of particular concern to many Hispanic Americans and many in this country is the provision relating to the English language. The reason I mention this is because there is an assault right now on bilingual education. There are cutbacks, there are all kinds of hysteria. Recently a constitutional amendment was offered to make English the official language of the United States, which I think was unfortunate, because I think it is a matter of choice.

The gentleman's provision relating to English is a bit troublesome and I would like the gentleman if he could to explain it, especially since statistics have shown that in Hispanic households 77 percent of the Hispanic households have English as the dominant language.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(At the request of Mr. RICHARDSON, and by unanimous consent, Mr. WRIGHT was allowed to proceed for 5 additional minutes.)

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield further?

Mr. WRIGHT. I yield.

Mr. RICHARDSON. So while I support the gentleman's emphasis on the English language, I am concerned as to how this would work.

Question No. 1 would be how would this be enforced? Are we in effect having the INS as the determinant officer for English?

No. 2, what does the requirement mean? Does it require course work at a community college? Most undocumented workers have very little education or access to education.

Once again, are we talking about requirements that would befit a Rhodes scholar?

Once again, what is the minimal requirement? Once again, the question arises as to whether this in effect is not going to be a very serious barrier to the undocumented worker coming forward and wanting to legalize and wanting to be part of the mainstream.

I would like the majority leader to answer those questions.

Mr. WRIGHT. I would be glad to respond to those questions. They are fair questions and they deserve fair answers. I am not sure that my answers will be satisfactory to the gentleman. I hope that they will be.

I have attempted to the best of my ability to create a standard that anyone truly desirous of permanent residence could meet.

As the gentleman is aware, in order to become a citizen of the United States, there is a requirement that an individual should demonstrate a minimal understanding of ordinary English; that is the requirement for citizenship.

I do not impose that restrictive a requirement. The requirement that this amendment will impose would be quite considerably more lenient than that. It would allow him to demonstrate either that minimal understanding of ordinary English or that he, the applicant, is pursuing a course to study of achieve an understanding of English.

Now, it seems to me that anyone can meet that standard. If I were the age of the gentleman from New Mexico, and he and I at that age were to decide that we wanted to live the rest of our lives in Italy and should apply for permanent residence so that Italy would be the place of our home and of our work and of our careers, I think the gentleman would agree that we would be well advised to learn to speak and understand Italian.

□ 1810

We would not think to live there permanently without attempting to learn the language, if that is where we are going to spend our careers.

So this provides that incentive to learn the language which is the bridge into the better paying jobs and the broader opportunities in the workplace, as all of us would agree.

Now as to the second part of that question, what provision is there for opportunities to learn the language? I must confess to the gentleman that this amendment does not, in itself, contain adequate guarantees for opportunity. It provides guarantees that those opportunities which exist shall be made known, and in the language of the applicant, to all applicants.

They are not required to demonstrate any fluency in English or any capacity with English to be a temporary resident. They can do that just as they are, without one plea. They can forward and become a temporary resident.

During that 2 years, however, if they want to be a permanent resident of this country, by simply demonstrating that they are engaged in a course of study aimed at achieving a minimal understanding of ordinary English, they can qualify.

Now, I think beyond that, as the gentleman I am sure has in his mind, that we have the responsibility to provide—and there will be opportunities for us to provide—ample funding to carry out all that is required in this law, including opportunities for people to master knowledge of this country, knowledge of our laws, knowledge of our language, opportunities that have existed in the past for other waves of immigrants who have enriched our society.

And I pledge to the gentleman now that just as I have stood in this well and fought for money for school districts to help immigrant children gain an education, I will stand with him shoulder to shoulder here in this

House any day, and every day, and fight for an adequate funding in order that these people who will now be children of our land might be given every opportunity to which a child of our land is entitled.

Mr. RICHARDSON. Mr. Chairman, will the majority leader yield?

Mr. WRIGHT. I surely do, I yield to my friend.

Mr. RICHARDSON. The second part of my question, Mr. Leader, relates to, in essence we have created or we would create a two-tier system. The same question that we posed to the gentleman from California relating to the role of the INS, we have made the INS a super bureaucracy; enforcement at the border.

We now have another situation where we are giving them other substantive responsibilities, possibly as English teachers.

The concern that many of us have, Mr. Leader, is that you are making administratively a very burdensome situation.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. RICHARDSON and by unanimous consent, Mr. WRIGHT was allowed to proceed for 5 additional minutes.)

Mr. RICHARDSON. Administratively burdensome for the INS to be able to manage such a program; to be able to keep the records, to be able to keep track of all those who have applied at the two different stages that we have discussed.

The concern I think that many of us have is that we are giving the INS, which I think requires its main emphasis in border enforcement, we are giving them enormous powers to make determinations that might necessarily put them in a situation where they might not have the training for.

Mr. ROYBAL's provision for more INS training was for border enforcement, but I do not know if it involved language training or it involved cultural training like the leader stated.

I think one of the regrets that your bill does not present is an authorization for communicating some of the provisions in the leader's bill, for education.

So, I wonder if the leader could talk about how he foresees the role of the INS, what safeguards are there; what happens if records are lost? Would the undocumented worker be deportable?

Many questions relating to the specifics of how his provision would be enforced.

Mr. WRIGHT. Let me respond to those as best I can.

In the first place, of course, it is not my expectation that the INS would administer language training. I think there are other agencies far better equipped to do that. I think the Department of Education ought to be

called into play to provide that kind of training and also local school districts. Local churches, as the gentleman knows, oftentimes provide that very type of training.

But this bill requires that information as to the locality and whereabouts of every such training course must be made known to the applicant.

Now with respect to the powers that it would give to or withhold from the INS; first of all, it does not confer any additional power upon the INS; it confers the powers upon the Attorney General and he will of course delegate them.

Some he will no doubt delegate to the INS since that is the agency charged under the present law to carry out immigration policy. But the question the gentleman asks with regard to whether these temporary legal residents might be deported simply if their documents were lost, the answer is absolutely not; the amendment absolutely forbids any law enforcement agency of the United States from doing so.

On page 275 in the book of amendments, under C, the gentleman will discover the following subsection:

The alien shall not be deported or otherwise removed from the United States by the Attorney General or any other law enforcement agency of the United States except pursuant to a lawful deportation proceeding or other due process of law.

Mr. RICHARDSON. I thank the gentleman for answering those questions.

Once again this provision puts us in a quandary; on the one hand, there are those of us who are very much against this bill, but legalization is a provision that is humane, that is honest, that makes an effort.

I believe the leader is making a strong effort. However, I still have these concerns and I hope in the debate they might be cleared up.

Mr. WRIGHT. I appreciate very deeply the genuineness of the gentleman's concern and I hope I have to some degree satisfied his question and abated his concern.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the very distinguished gentleman from California.

Mr. ROYBAL. I thank the gentleman for yielding.

I would like to better understand the gentleman's amendment. As of this point, I do not agree, but maybe the gentleman can convince me.

My understanding is that temporary residency will be made available to individuals who, in turn, will have an additional 2 years to, first, enroll in a class learning English and also in one learning American history; is that correct?

Mr. WRIGHT. Yes; that is essentially correct.

Mr. ROYBAL. All right. Here then is an individual, a working man who may or may not have a family but nevertheless works at a job where he comes home late and he finds that there are no schools available.

Is the gentleman prepared to, first of all, authorize and then appropriate sufficient funds to place in various communities throughout the country the schools that would teach these individuals?

Mr. WRIGHT. The answer is absolutely yes, I am prepared to support ample provision and ample funding to make certain that these people are given all those opportunities.

(On request of Mr. ROYBAL and by unanimous consent, Mr. WRIGHT was allowed to proceed for 5 additional minutes.)

Mr. ROYBAL. If the gentleman will yield.

Mr. WRIGHT. Yes; I yield to the gentleman.

Mr. ROYBAL. What concerns me is that we, under this amendment, would force these individuals who may not even be literate in their own language, to go to a school to learn English and to learn American history.

Now if we had a policy in the United States where we would send Ambassadors to different countries of the world and that those Ambassadors be fluent in the country in which they served, I would then say to the gentleman that he is correct in demanding that these immigrants learn the language of this country.

We do not have that provision in the United States of America. We send Ambassadors to different countries; they do not speak the language of that country; they have to speak through interpreters.

Now, there is then a difference, is there not, in the treatment, and in those objectives that we want to accomplish, with the diplomat who is very well-versed, graduate of various universities, maybe Ph.D.'s, he does not know the language of the country to which he will be sent, but nevertheless, we do not make it a prerequisite that any ambassador that wishes to go to any country learn the language of those countries.

□ 1820

Mr. WRIGHT. The gentleman is absolutely correct in that regard. I join him in deploring the fact that we do not always do so. As the gentleman I think is aware, he and I both have deplored that fact publicly for a good many years. I think we should require our Ambassadors to have knowledge of the customs, the mores, the habits and the thought patterns and surely the language of those countries to which they go representing our own country.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from California.

Mr. ROYBAL. I thank the gentleman for yielding.

But the truth of the matter is that we do not and we are imposing these on these immigrants.

Now the other thing is that they are going to learn history. I wonder how many Members of this House—and this is taken from the questions that are asked of immigrants that are going to become American citizens—what powers does the Senate have that the House of Representatives does not have? Real quick, I would like to have an answer. I do not think there are too many who can answer that.

Mr. WRIGHT. We are not fair guinea pigs because we would know more of the answers than the average citizen would be expected to know.

I think the gentleman's point is well taken. But the questions the gentleman asks are questions from the book of knowledge required of those applying for citizenship. I believe the gentleman will read in my amendment that it does not require that much but simply that people be engaged in a course of study attempting to learn this kind of knowledge.

Mr. ROYBAL. If the gentleman will yield further, I firmly believe that to impose such a provision on immigrants who may not even be able to write in their own language, that is quite an imposition in view of the fact that we do not do it with our own diplomats.

Mr. WRIGHT. Well, the gentleman makes a valid point. I cannot quarrel with that particular point.

I think we dignify the applicant when we give that applicant the assumption of an ability to learn and the opportunity to learn to participate fully, not as a substandard member, but as a full fledged member of our society.

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from New York.

Mr. GARCIA. I thank the gentleman for yielding.

Mr. Chairman, one of the problems I have with the gentleman's amendment—there are several problems—but the one I heard constantly during Wednesday and Thursday of last week in preparing for the amnesty debate, was that the reasons why the Wright amendment made sense was the possibility that the Lungren amendment would carry.

Well, the Lungren amendment did not carry. We eliminated the two-tier system which developed here again as we have gone from the two-tier system of my colleague from California back to another two-tier system.

I have no problem with my leader's talking about the English language. I think all of us want to be as competi-

tive as we possibly can. But I have a deep problem that we are back to where we were before even though it is not the same as the Lungren amendment, but it is a two-tier system.

I would hope and I would have hoped had the Lungren amendment been defeated that the gentleman's amendment would have been withdrawn and that was not the case. We have got the amendment here.

Mr. WRIGHT. I think at this point what the gentleman from New York must compare is the amendment that I offer as against the committee bill. The gentleman may find the committee bill as it is more acceptable.

Mr. CHAIRMAN. The time of the gentleman from Texas [Mr. WRIGHT] has expired.

(At the request of Mr. SCHEUER and by unanimous consent, Mr. WRIGHT was allowed to proceed for 5 additional minutes.)

Mr. WRIGHT. The second thing, though, is that the gentleman really should consider the choice between this amendment which is at least generous in the sense that it treats all alike and makes all temporary residents just as the committee bill would make then permanent residents without any additional proof and then gives them the opportunity to qualify. The gentleman really needs to compare this in his mind with what might happen under the McCollum amendment, which would wipe out all forms of legalization whatever. I think if he will rationalize those things—he can make his choices.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding.

I was just interested in pursuing with the leader on page 273 in paragraph (d) it says: "or satisfactorily pursuing a course of study to achieve an understanding of the English and such knowledge and understanding of history of the Government of the United States."

My concern is that in the area which I have represented, historically organizations of people of like ethnic backgrounds from time to time have helped their own learn the English language. Japanese-American organizations in my area, Hispanic organizations, Italian organizations. My concern is that we not rule out for migrant workers and for others that if there are local community organizations of volunteers to help individuals learn language while they are in that area because in the case of migrant workers as in Texas, that this is not a requirement that they enroll in the public schools or in a federally supported program, but for those community organizations who want to provide self help for the people who

would be legal residents under the rest of the gentleman's amendment, that if they went nights to the community center to engage in English language instruction that that would satisfy this so that we can encourage those efforts.

Mr. WRIGHT. The gentleman is absolutely correct and I am very happy that he has brought this subject to our attention. It is my firm intention, and I will stipulate now for the record and for purposes of legislative intent, that such endeavors as those conducted by local organizations, by cultural organizations, the LULAC's the GI Forum, other organizations of that type, by labor unions and organizations, by churches, by any genuine bona fide valid effort on the part of a citizen group to confer this knowledge and information upon as many of their number as they can shall be accepted for purposes of this act.

Mr. MILLER of California. I thank the gentleman.

Mr. WRIGHT. I yield to my friend from New York [Mr. SCHEUER]

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to my colleague from Kentucky.

Mr. MAZZOLI. Mr. Chairman, perhaps my colleague from Texas would engage the gentleman from Kentucky in a little discussion about where we go from here and try to finish the bill.

May I have the attention of the gentleman from Florida [Mr. McCOLLUM] and the gentleman from California [Mr. LUNGREN].

The gentleman from Kentucky is soliciting the advice of his friends and colleagues on how we might best and most expeditiously, but most fairly complete consideration of the bill H.R. 1510.

The gentleman from Kentucky would suggest a kind of scenario like this and then I will be happy to hear the thinking.

The gentleman from Kentucky suggests that we complete consideration on the amendment of the gentleman from Texas [Mr. WRIGHT] tonight.

We would then rise, come back in tomorrow morning at 10 o'clock, without 1-minute speeches, if the Speaker were so indulgent as to not have 1-minute speeches. We would begin consideration on amendment No. 58, which is already agreed to with the gentleman from California [Mr. MINETA].

We would then proceed to amendment No. 61 of the gentleman from Florida, whom I would now address to suggest would the gentleman believe, if he would indulge the gentleman from Kentucky, would my friend from Florida believe that his amendment, which of course is an extremely important amendment, would perhaps be disposed of fully and fairly in say, for example, 2 hours, or something.

Would the gentleman help me on that?

Mr. McCOLLUM. If the gentleman would yield, I would certainly hope that it would, but, of course, this gentleman is not certain of how many Members are desirous of speaking to it when it comes up, although we have had good debate today.

I would hope that the gentleman, if this is agreeable, and I am certainly agreeable to it being considered tomorrow under the circumstances, would leave the question open and not put a time limit on it tonight.

Mr. MAZZOLI. Would the gentleman suggest then even though he may not be willing to agree to unanimous consent tonight for tomorrow, would the gentleman agree that he would, as he has always been, try to achieve a kind of understanding at the beginning of the day tomorrow early on so we could complete consideration of the gentleman's amendment?

□ 1830

Mr. McCOLLUM. I would be happy to work with the gentleman from Kentucky, as we always have, to try to work those things out. I would like to see just how many Members are really interested in speaking and let the debate proceed a little bit before we put a time limit.

Mr. MAZZOLI. Of course, the gentleman understands that much of our debate tonight on the amendment of the gentleman from California, and the others, did deal with the question of striking the whole section.

May I ask my friend, the gentleman from California, with the further indulgence of my friend, the majority leader, could I perhaps engage my friend, the gentleman from California, the ranking minority member, in a colloquy?

The CHAIRMAN. The time of the gentleman from Texas [Mr. WRIGHT] has expired.

(On request of Mr. MAZZOLI and by unanimous consent, Mr. WRIGHT was allowed to proceed for 5 additional minutes.)

Mr. MAZZOLI. If the gentleman will continue to yield, the gentleman's amendment No. 66, which is the amendment to discuss whether or not we have the block grant approach which is in the Senate bill or the reimbursement formula which is in the House bill, would the gentleman from California help the gentleman from Kentucky in suggesting about how much time he would think—assuming only that we have a general framework of, say, for example, about 2 hours, just for that assumption—about 2 hours on the amendment of the gentleman from Florida No. 61, and, like I say, we have accepted almost all of the amendments up to amendment No. 65, which I will talk about, but on amend-

ment No. 66 would the gentleman suggest about how much time he thinks would be encompassed?

Mr. LUNGREN. If the gentleman will yield, I would be happy to dispose of my amendment tomorrow, amendment No. 66, with an hour time limit.

Mr. MAZZOLI. I thank the gentleman.

Then I would ask my friend, the gentleman from New York, who may not be on the floor now—Mr. SCHUMER has an amendment No. 65, but I think, Mr. Leader, that would not be a consequential length of time.

My friend, the gentleman from New York, has agreed to engage in a colloquy, and withdraw his amendment.

So, in effect, if we had tomorrow, Mr. Leader, 2 hours, for example, about 2 hours in the round on the gentleman's amendment No. 61, about 1 hour in the round on the gentleman's amendment No. 66, and then we would move to final passage, we would rise at the end of that time and move to final passage, Mr. Leader, we would, in my judgment, be finished in the very early afternoon. The ladies and gentlemen of the House would not be tested tonight. They could get home and have dinner with their families.

Would my friend, the gentleman from New York, help me here?

Mr. FISH. If I could propound a question, if the gentleman will yield, at the conclusion of the pending amendment, we jump over to amendment No. 58, the Mineta amendment.

Mr. MAZZOLI. Right.

Mr. FISH. From the conversations, since you have not mentioned it, I presume you plan to accept that?

Mr. MAZZOLI. Exactly.

Mr. FISH. And then No. 59, delaying legalization, the Scheuer amendment.

Mr. MAZZOLI. The gentleman from New York has told me he engages in a colloquy with the gentleman and then withdraws his amendment.

Mr. FISH. And then we had one other that we were going to oppose, No. 65, the Schumer amendment, reimbursing the States for the costs.

Mr. MAZZOLI. The gentleman from New York is not here. I have talked to him earlier today. He does not intend to take a great deal of time. There is a potential area of some agreement and then a withdrawal, some agreement for perhaps some efforts in conference.

Mr. FISH. I just want to add that I think it would take at least about 45 minutes to explain it.

Mr. MAZZOLI. Perhaps.

Mr. FISH. And I certainly intend to oppose it.

Mr. MAZZOLI. I understand. But I would say that we would not have—an hour then on Lungren No. 66, and then we rise, and then we have a vote in the House.

Mr. ROYBAL. If the gentleman will yield, I would like to know in what crystal ball he is looking at.

How do you know tonight how many Members will be on the floor who may want to speak?

I would say it is impossible.

And I may as well tell the gentleman now that I will object to any unanimous-consent request to limit debate. This is an important bill.

Mr. MAZZOLI. Mr. Chairman, we are not limiting debate. I will tell my friend from California this is not an effort to limit debate. It is an effort to put a framework around the debate. It is an effort to solicit full and fair discussion but at the same time to understand that the House has given this gentleman a great opportunity in the sense of bringing the bill to the floor without having the kind of pressure in order that we could have a full debate. And I would remind my friend from California that, just say, for example, if on tomorrow, after finishing the gentleman's amendment, we were to achieve an agreement with the gentleman from Florida, in which he is the author, knowing full well that we have debated the essence of his amendment in debating the other formula tonight, would, say, 2 hours, 2½ hours is fine, guaranteeing the gentleman 10 minutes, for example, would not that suggest to the gentleman that that is a good, fair way to continue, I mean to complete deliberation of the bill?

Mr. ROYBAL. If the gentleman is asking and if the gentleman will yield—I think the fair way to proceed is to follow the legislative process and not enter into an agreement the night before as to what will happen, or what we will do the next day.

Mr. MAZZOLI. I just will tell my friends in the House that I will withdraw my unanimous consent—

Mr. WRIGHT. Let me reclaim, then. I just want to say that I think the gentleman from Kentucky has done a magnificent job in managing this bill under very trying circumstances. I want to compliment all of the Members who have participated in the debate. Actually, it has been a very civil, intelligent debate, conducted on an intellectual plane that does credit and honor to the House, given the fact that the—

The CHAIRMAN. The time of the gentleman from Texas [Mr. WRIGHT] has expired.

Mr. WRIGHT. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. RUSSO. Reserving the right to object, Mr. Chairman, I will not object at this point, but I want to make it clear to my colleagues who are going to oppose any unanimous-consent request that I will stay on the floor and

object to any extension of time by any individual in the well. I will not object at this time, but if we are going to have an orderly debate, we are not going to have any particular individuals dominate the debate, so we can have a wide variety of individuals talking on it, even if we do not have any limitation. So I just want to put the House on notice that I will object to any further extensions.

Mr. WILSON. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. SCHEUER. I have the floor, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 1 additional minute.

Mr. WRIGHT. You have the floor?

Mr. SCHEUER. Yes. You yielded to me, and I yield to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. I have nothing further to say.

The CHAIRMAN. The gentleman from Texas has 1 additional minute. The gentleman from Texas controls the time.

Mr. WRIGHT. Let me just say in this one additional minute that I appreciate the depth of feeling which is entertained by various Members here. I am grateful to them for the hearing that they have given me on this amendment. I think it is a reasonable and sensible amendment. I think it will make the bill more palatable and more acceptable to a broader variety of the American people.

I yield to my friend from Texas.

Mr. WILSON. Mr. Chairman, I move that all debate on this amendment cease at 10 minutes until 7.

The CHAIRMAN. Is there objection to the request of the gentleman?

Mr. WEISS. Objection, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. WEISS] objects. Objection is heard.

Mr. WILSON. Mr. Chairman, I move that all debate cease on this amendment in 15 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas [Mr. WILSON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WEISS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1840

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

Mr. WILSON. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LUNGREN. Mr. Chairman, I ask unanimous consent that all debate on this amendment end at 7:15.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. WEISS. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. LUNGREN. Mr. Chairman, I move—

Mr. MAZZOLI. Mr. Chairman, I should be recognized as the floor manager.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI].

PARLIAMENTARY INQUIRY

Mr. MAZZOLI. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MAZZOLI. Mr. Chairman, I believe under the rule, the gentleman from Kentucky, the floor manager, is entitled to be heard and to be recognized on matters limiting debate.

Let me just respectfully suggest to my friend, the gentleman from California, the House has made it clear we are not going to protract the debate tonight. Let us just cool it. Let us just sit down. Let us just let the debate work on. The gentleman from Texas is here, and if the gentleman would just indulge the Chairman, we will be here tonight, and then we start tomorrow at 10 o'clock and work it over.

Mr. LUNGREN. Mr. Chairman, if I might reclaim my time, I indulged the gentleman from Texas and asked him to withdraw his motion on the pretext that I would make a motion, as I have the ability to do under the rule, that debate on this amendment shall end in a half hour. Since I had the gentleman agree to withdraw it, I feel bound that I will then continue with this motion, and I so move.

Mr. MAZZOLI. Mr. Chairman, can the gentleman say 45 minutes? I understand 45 minutes will be enough.

The CHAIRMAN. If the gentleman from Kentucky has no motion, the gentleman from California is entitled

to make his motion. Does the gentleman offer a motion?

Mr. LUNGREN. Yes, Mr. Chairman. Mr. Chairman, I move that debate on the amendment offered by the gentleman from Texas [Mr. WRIGHT] be concluded at 7:30.

The CHAIRMAN. The question is on the motion offered by the gentleman from California [Mr. LUNGREN].

The motion was agreed to.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words.

Mr. WEISS. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. SHAW. I yield to the gentleman from New York for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. WEISS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WEISS. Mr. Chairman, is it proper to request that the time remaining be allocated amongst those who wish to speak, after the gentleman from Florida has spoken?

The CHAIRMAN. According to the discretion of the Chair, with 45 minutes remaining, that would seem ample, as far as time is concerned, to proceed under the 5-minute rule.

Mr. WEISS. Could the Chair ask how many Members wish to speak?

The CHAIRMAN. The Chair can, at a later time, allocate the remaining time, if necessary.

Mr. WEISS. I appreciate that, Mr. Chairman.

Mr. SHAW. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas [Mr. WRIGHT].

We have heard tonight, and all day today and, indeed, in the days preceding the day of this particular debate, long oratory regarding what we are going to do with the people who are here illegally.

I certainly do not think it is too much at this time for the Members of this House to at least expect that those seeking permanent residency here in the United States at least attempt to demonstrate and acquire a satisfactory knowledge of the English language. The English language is not provided for in the Constitution of the United States, but we are an English-speaking nation, and I think when we are talking about these people coming into this country and remaining here, and the fact that they are going to be able to improve themselves economically, we will be actually doing them a favor to require them to demonstrate an ability, or at least try to acquire an ability, to be able to communicate with the vast majority of the American people. This is the only way that they are going to be able to break out of the menial jobs that the gentleman from Texas [Mr. WRIGHT], discussed in

his presentation from the floor. I believe he called it stoop labor, and things of this nature.

But in order to get out of that sphere, they are going to have to try to communicate with the other Americans on a rational basis. I would also like to say, having heard the majority leader demonstrate his ability to speak Spanish, I think if the majority leader can learn Spanish that we can certainly expect those who are here illegally to acquire an ability to speak English. Therefore, I think that is living proof of the fact that this will certainly happen, and I would certainly hope that all of the Members would try to support this most important amendment, and it is, indeed, an important amendment.

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is awkward to rise in opposition to an amendment offered by my distinguished friend and colleague, the majority leader, and I do so with some hesitation because of the personal respect that I have for him.

On the substance, however, I believe that we really have no choice except to oppose his amendment. I think that at the time that he prepared the amendment as part of a king of the mountain procedure, whereby he intended to offer it should the Lungren or Shaw amendments carry, it made a certain amount of sense. I think in the course of events, somehow he lost sight of why he had prepared that amendment to begin with and it has now become an end in itself.

□ 1850

It may have been justified as being the lesser of evils, but when those evils themselves have been defeated, for the distinguished majority leader to come forward and to offer a lesser evil when it is unnecessary defies understanding. It escapes me why he would be doing that at this point.

Let us look at what we would be doing. Under his proposal, for the first time people who have not achieved citizenship status but who achieved a legal residency status would have to go through a series of hurdles which nobody has ever had to go through. That, it seems to me, is again a demonstration of the kind of discriminatory attitude or conduct that we are demonstrating toward the people who would qualify under this bill, primarily Hispanics and blacks from Central America and the Caribbean.

Second, we have in his proposal a situation where, should temporary residence not be followed within a year by an application for permanent residence, the eligibility for permanent

residence will have expired, and, worse than that, if within 25 months there has not been an application for permanent residence, the Attorney General shall provide for the rescission of temporary residence.

This proposal is filled with booby traps, making it more and more difficult for undocumented workers to ever achieve permanent residence or citizenship.

Let us look at some of the other provisions. If in fact during the time of temporary residence a felony is committed, that is it, you are finished. In some States drunken driving is a felony. For the first time we do not have crimes of moral turpitude as a disqualification, a felony or three misdemeanors on its face will be sufficient to disqualify. If they are living in an environment where the people are not happy about undocumented workers or illegal aliens, they can be harassed into three misdemeanors, which automatically disqualifies them.

It seems to me that this amendment does the same kind of thing that the gentleman from California [Mr. LUNGREN] or the gentleman from Florida [Mr. SHAW] would do. It puts a bar, a hindrance, and, I think, a booby trap in the way of those very people whom we have said during the discussion of this legislation we wanted to empower legally.

I do not know whether the gentleman from Texas intended that in the beginning. I doubt it. But that is the consequence of his amendment, and I would suggest that the better part of wisdom is not to approve the amendment.

Mr. WRIGHT, Mr. Chairman, will the gentleman yield?

Mr. WEISS. I am delighted to yield to the majority leader.

Mr. WRIGHT. Mr. Chairman, I would surely like to suggest to my friend that most certainly I did not intend that we set up a booby trap or anything like that. I think the gentleman would agree, if we were jointly to say that we had confidence in law enforcement officials and in courts, that we do not want people coming into the country as permanent citizens who are felons or who are habitual violators of the law.

Mr. WEISS. Mr. Chairman, if I can, I would reclaim my time.

Mr. WRIGHT. The gentleman would agree to that, would he not?

Mr. WEISS. The amendment does not say, habitual criminals. It says, if a felony is committed. It does not define what kind of felony, and it does not have to be a crime of moral turpitude. You could have been here for 25 years, and if you drive while intoxicated, you are finished.

Mr. WRIGHT. Mr. Chairman, the gentleman is aware, is he not, that that same identical provision applies with respect to the admission of

people into the United States as immigrants, and that it applies with respect to citizenship? The gentleman is aware of that, is he not?

Mr. WEISS. For the most part, what we have talked about is crimes of moral turpitude. That is not the way the gentleman has put his definition. He has it strictly as misdemeanors, no matter what those misdemeanors are. In some places spitting on the sidewalk may be a misdemeanor.

The CHAIRMAN. The time of the gentleman from New York [Mr. WEISS] has expired.

Mr. MOLINARI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the sponsor of the amendment, the distinguished majority leader, one very simple question that I think we can dispose of rather quickly.

In paragraph (D), the part that talks about the educational requirements before the Attorney General can grant permanent residence, I wonder if the gentleman from Texas would kindly explain the word, "satisfactorily," in subparagraph (ii). It says, "satisfactorily pursuing a course of study." Is the gentleman intending to refer to attendance, or is it academic achievement?

Mr. Chairman, I think it might be well for legislative intent purposes to cover that point.

Mr. WRIGHT. Mr. Chairman, I appreciate the gentleman's question, and for purposes of legislative intent, it certainly would be my purpose to indicate by this a demonstration of diligence and sincerity of purpose. If a person is attending with an obvious effort to learn, then he should satisfy this requirement.

Mr. MOLINARI. Mr. Chairman, if the gentleman would allow me to ask another question, who would make that judgment as to whether the person is pursuing it with diligence? I think it is well that we understand that.

I mean this is the majority leader's amendment, and I think because it is sponsored by him, it has a reasonable chance of success.

Mr. WRIGHT. Mr. Chairman, if the gentleman will yield, that is a good question, and I am not certain that I have the answer for it.

The answer lies in the initial instance in the Attorney General. It would be a designee of the Attorney General. I have to presume that under this law it is going to be necessary for the Attorney General and the district courts to appoint people to go out and hold hearings of one kind and another and conduct examinations of one kind and another.

But, it is my purpose in this, having departed from the requirements for citizenship and having broadened it so as to permit anyone simply to make a

showing that he is pursuing a course of study, to make it clear that we are not trying to be restrictive; we are trying instead to give an opportunity to the broadest number of people in order that they might elevate themselves to full participation in American life.

Mr. MOLINARI. Mr. Chairman, I understand that. If I understand the gentleman correctly, then, it is not intended that there is any passing level or passing grade or academic standard that the designee would have to meet in order to satisfy the criteria of the gentleman's amendment?

Mr. WRIGHT. Mr. Chairman, if the gentleman will yield, I would tend personally to be quite lenient in that respect so long as progress is being made. Different ones of us are able to proceed at a somewhat faster pace than others. When the gentleman from Florida was saying something to the effect that the majority leader had learned with some facility the Spanish language, one of the Members on my side of the aisle said, "That proves it. If the majority leader can learn Spanish, anybody can learn Spanish."

Mr. SHAW. Mr. Chairman, if the gentleman will yield, I would say to the distinguished majority leader that that is what I was thinking, but I was not going to say so aloud.

Mr. MOLINARI. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The time of the gentleman from New York [Mr. MOLINARI] has expired.

Mr. GARCIA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if the majority leader would be kind enough to just answer a question, I would be deeply appreciative.

I think I have to sum up pretty much what my colleague said. It is pretty difficult for a Member who spent as many years as I have in legislative places to question the good will or the intent of legislation put forth by the majority leader, knowing that when they count the votes in the final analysis, it is like David against Goliath. But I will try anyway.

At the present time, Mr. Leader, we have a situation where we have defeated the Lungren amendment and the Shaw amendment, and I think it becomes very clear to us at this point that the will of this House is that we have all agreed or, for the most part, there has been agreement that there will be the tradeoff, amnesty for sanctions. Now, if that is the case, it seems to me that by the gentleman introducing his amendment, what we are doing is going back to a two-tiered system.

If the will of this House is such that amnesty will be traded off for employer sanctions, then I would think that

the gentleman's amendment would not be necessary. His amendment complicates the amnesty portions of the legislation. Up until the point of the Lungren defeat we had no problem discussing that issue, but after that defeat it seems to me that we do not really need the gentleman's amendment, and that what we are doing is laying on additional bureaucracy.

I have no problem with the English language portion of the amendment. I think it is necessary. I think if we are going to compete in a free and open society, we should be able to compete in the language that is spoken. I have no problem with that, and I think we will find that most of the aliens or most of the people who benefit from the legislation feel the same way. But I really have a problem with the two-tiered system, and it is for that reason that I urge my colleagues to vote against the amendment, because so far we are doing pretty good without it. Just by putting it in, it takes us back a step or two.

□ 1900

Mr. WRIGHT. If the gentleman will yield, the gentleman may well be right in his assessment of what the Members want.

If the Members want complete amnesty granted in the initial instance to everybody who has been here without any demonstration of this kind to make them permanent residents now, then the Members will have the opportunity to vote for that.

I think what I do is not unusual nor is it extreme. I would grant temporary residency on exactly the same showing that the committee bill would grant permanent residency.

Some people, as the gentleman knows, desire to be here only a short time, to make a little bit of money, a grubstake, and then to return to their native lands.

Those, however, who want to be permanent residents of our country would, I feel, expect to demonstrate some greater diligence and some greater dedication to the proposition of living here permanently and making their careers and their lives and their futures and the futures of their families as part and parcel of our Nation, and that they would not find this onerous. I did not intend it to be onerous. I intended, rather, that it should be a standard that any diligent person truly desirous of making a life in the United States could meet.

To the degree that I have failed to satisfy the gentleman, I regret it very much because I think the gentleman realizes that the intent was to dignify the gift of permanent residency and make it worthwhile.

Mr. GARCIA. If I can have back my time, the answer is at the time the amendment was introduced there is no question in my mind that the majority

leader was probably looking ahead and wondering what would happen if in fact Lungren, the Lungren amendment had passed. But, as I said before, and I guess I am repeating it for the third time now, it failed.

So it is for that reason that I would hope that the Members—I do not think it is necessary. I think if it does pass I would hope that in conference they would look at this very carefully and eliminate it if at all possible. But I would hope that my colleagues would vote against the measure, and I thank the gentleman and yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

I wonder if I might ask the majority leader just one question about this amendment of his. I recall a vigorous debate on the Voting Rights Act amendments a couple of years ago and one of the big issues was bilingual ballots. I do recall some vigorous presentations on behalf of American citizens. But there were protestations made that they would have difficulty reading the ballot and that we ought to publish them in different languages and they ought to be bilingual.

I supported that. I think someone ought to vote intelligently and with the information, anyway.

But does not your amendment run in the opposite direction? Are you not insisting that somebody have some familiarity with the English language, which I think is very important, if assimilation is ever to occur? But were we not going in the opposite direction, then, on the Voting Rights Act by saying you do not have to have at least the knowledge of identifying a candidate on the ballot or a political party or reading a ballot proposition or having someone read it for you?

I just see a kind of contradiction here that I would like the gentleman to explain.

Mr. WRIGHT. Will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Texas.

Mr. WRIGHT. Who was it who said that a foolish consistency is the hobgoblin of little minds? It may be that we are not wholly consistent in everything that we do.

I am somewhat ambivalent about what I see as the future of our society. I do not disparage the preservation, the protection of cultural traditions and languages from other societies and other cultures that have come to enrich the fabric of our lives. I think it is good that some of these traditions be maintained.

By the same token, I do not believe that we want to see the total vulcanization of American society into little subgroups clustered in small, isolated sectors, talking only with themselves and not able to communicate across those subgroups with one another.

While I do honor and I think we should honor the linguistic origins of our American people who come from many parts of this world, at the same time I think there has to be some single thread of communication that allows us all to communicate with one another.

In this country, for better or for worse, the reality is that if one does not have some facility with the English language, then that person is handicapped, that person is inhibited, that person is not really susceptible to being given the opportunities to participate fully. And it is for that reason that it seems to be plausible that when we bring in these people, open our arms and say now be one of us, you are one of us, we count you, you are part of this big American family, you do not have to give up your traditions but really you should make an effort to come into harmony with all of the rest of our society so that across these little cultural barriers that we may enjoy we still have some things that unite us bigger than those things that divide us.

Mr. HYDE. I certainly appreciate the words of the majority leader and I agree with them. I do not want to re-fight the battle over the Voting Rights Act bilingual ballots, except to say that most of the ethnic groups that I am familiar with, and I am familiar with a lot of them, who came over here without the ability or the facility rather, they had the ability but not the facility of speaking the English language, learned it rather quickly. They were thrown into the water and told to swim, and swim they did.

I just wonder as I think about this issue, whether we have not inadvertently, and from the best of intentions, crippled people by not urging them, sometimes through necessity, and that would be through the voting process, to learn the language?

Mr. GARCIA. Will the gentleman yield?

Mr. HYDE. I yield to my friend from New York.

Mr. GARCIA. You make an excellent point and I would probably have to say in many instances I agree. But when you talk about the Hispanic community, as I said during that same debate, we have television outlets throughout this country, we have a Spanish international network that is not as powerful as NBC, ABC, and CBS, but very much part of our total society. We have dailies in every major city. We have periodicals. We have everything.

So it is a community that is well informed.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words.

For the life of me I cannot understand how any Member of this House

can object to a requirement when an immigrant comes to our shores that he or she make an effort to become comfortable and fluent and effective in our language. This is the time-tested manner in which immigrants have made it here.

My grandparents and my great grandparents attended night school here, free night school, to learn English. And I am almost certain that virtually every Member of this House had grandparents and great grandparents, whether they came to this country with Polish or with Italian or with Yiddish or with Russian or with German or with whatever language, they made an effort when they came here to learn English, generally at a free night school that was provided by churches and synagogues and the school system frequently, and the Knights of Columbus and other religious groups. That was part of the acculturation process and it has worked very, very well.

The gentleman from New Mexico [Mr. RICHARDSON] mentioned somewhat critically that the bilingual education program had come under some fire, as if there was too much English. To the contrary, if the Bilingual Education Act has been subject to criticism in the last decade it has been because its original purposes were perverted and politicized, and instead of giving kids, as the original sponsor designed and intended, a pressure cooker experience in English to make up for the fact that they came from foreign language homes, instead of doing that the English has been sort of thinned out and stretched out and in many cases banished into the mists and all of the courses tended to be taught in Spanish.

That was not the original intent of the program. I was an original sponsor of the Bilingual Education Act, along with Senator Ralph Yarborough of Texas, and I remember very well that it was clearly intended, the history is perfectly clear, it was intended to be a pressure cooker exposure for the kids to learn English from foreign language homes. And because many of them had suffered from some sense of stigma in their youth, we would also teach them in their own language the history, tradition, cultures and more of their country of origin.

□ 1910

I remember although these hearings were perhaps 15 years ago the distinguished gentleman from California [Mr. ROYBAL] testifying before our committee, and I will not forget his testimony until the day I die; testifying before our committee that when he was a kid in the schools of Los Angeles, it was prohibited to speak Spanish during the luncheon recess when the kids were playing in the yard.

Is that correct, Mr. ROYBAL?

Mr. ROYBAL. That is right.

Mr. SCHEUER. Fifteen years ago; I could virtually repeat it, it made such a fantastic impression on me. So we did not want kids to have that stigma that there was something wrong or dirty or inferior in coming from a foreign language home.

So we wrote into the bill largely as a result of Congressman ROYBAL's touching and moving testimony that they had to give the kids a sense of worth, and a value, and a meaning and richness of their own language origins and the history and culture and traditions and mores of their own country.

Now we have grown away from that. We went to teaching all of the subjects in school in Spanish, which of course was not the original intent at all. It was quite contrary to the original intent.

So now, in effect the Wright program is totally consistent with the Bilingual Education Act, it is totally consistent with our history and tradition of the last generation; two, three, four generations of immigrants coming to this country and working their tails off at night, after they had worked all day long in sweat shops, under far more onerous conditions than people work today, after they worked all day long they wanted to acquire the language of our country to be real Americans.

So I applaud the majority leader and I think his amendment is right on target.

As to the policy of our country in requiring that ambassadors of our country learn the language of the country, that is absolutely clear.

Mr. HANCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly respect my colleague and fellow Texan, but I must rise in opposition to the Wright amendment.

This amendment tries to confer a good name on amnesty but I am afraid no amount of window dressing will change the real substance of the issue.

For all the criteria this amendment imposes on the amnesty process—

The positive work history;

The absence of a criminal record; and

Engaged in the learning of the English language and American Government.

All these tests don't erase the basic flaw with amnesty: it is unfair to aliens legally in our country and to all Americans.

I think the requirement of learning English and American Government should be the same as it is for persons seeking citizenship of this country.

Amnesty sanctions displacement of Americans from jobs that they need and they want. It represses wage levels in low income, unskilled labor markets, it encourages others to migrate

illegally and it insults the millions of legal immigrants who waited patiently to enter our country under the law.

This amendment does not remedy the illegal alien situation, it merely blurs it with a shopping list of rules and regulations.

I oppose this amendment and urge its defeat.

Could the gentleman from Kentucky answer that for me? My question was: In the Wright amendment it says, engaged in the learning of the English language and American Government.

My question is, How does that compare with present law, someone that is legally trying to come in?

Mr. MAZZOLI. If I understand correctly, and I yield to others who might be more experienced; I understand the current test for nationalization is a fairly simple test in which certain sentences are dictated to the would-be citizen and if they can write those sentences down, then that would be sufficient.

As far as their knowledge of the Government, I understand certain questions as to the branches of government and the activities of the branches of government, the role that the President has; the role that Members of Congress have.

Relatively speaking, not the most perplexing or demanding but nonetheless requiring reasonable skills.

Mr. HANCE. So it would be basically the same?

Mr. MAZZOLI. I think not too different. Again, I cannot say they are exactly, but not too different, in my judgment.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. HANCE. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

I think the gentleman from Kentucky is correct that the requirements for citizenship are roughly the same but there is no requirement for citizenship; this is a requirement for permanent resident status and that is all the difference in the world.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. HANCE. I yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for yielding.

The only difference really is that the requirements for citizenship do ask for minimal understanding of ordinary English and the knowledge and understanding of the history and government of the United States.

This relaxes that requirement simply by saying that you may be pursuing a course of study to achieve such an understanding. You do not have to have achieved it already.

Mr. HANCE. I thank the leader.

Mr. LUNGREN. Mr. Chairman, I rise to strike the requisite number of words. I am not sure rising to speak on this amendment will necessarily help the author based on what happened to the last two amendments.

But I might say that I think this slightly improves the bill, as to where it is now. It has an English requirement as my amendment had an English requirement. It does have a type of two-tier system as mine did; though not as extensive, but it does maintain the 1982 date as opposed to going back to 1977 and 1980 as my amendment did.

So I suppose those Members who voted against my amendment and Mr. SHAW's amendment because it allowed some vestiges of legalization might be predisposed to vote against this amendment as well.

I think that would be a mistake, however, because this does raise at least additional obligation that goes toward what we would normally consider to be elements of good citizenship; an elementary sense of the history of the United States; the beginnings of some English knowledge and certainly usage of English, which are all to the good.

We can have debates on bilingual ballots and we can have debates on bilingual education, but the fact of the matter is those who have served on this subcommittee for the last 6 years have had a chance to look at our refugee program, a program that has been established with every good purpose.

Yet we have seen in States such as mine as much as 80 percent of the people from Southeast Asia in refugee status are still on the public dole. We have taken a whole culture of people who are very strongly independent and very strongly work oriented and somehow in a short period of time transferred them to a welfare dependency status.

Upon examining that experience at least it occurred to me as it has other members of the subcommittee, that part of that problem has resulted from the lack of English ability for many of those members of that community.

As I mentioned in my opening statement with respect to my amendment some hours ago we found, for instance, that although one may have a Ph.D. and be from a foreign country, he or she has a less ability to acquire a meaningful job in our society, a job that takes them off the welfare rolls, than someone who has basically no education, but at least rudimentary English language.

Perhaps instead of always looking at the refugee program for the problems that may be involved there, and perhaps instead of just confining our look at the refugee problem to the refugee experience, we ought to elicit some lessons from that experience.

Have you ever had a control group, not that they were intended as such, come to the United States and suggest what would be the impact of the welfare system and what would be the impact of not knowing English? We have that control group.

It has been largely many of those who are in the refugee communities around our country today. We have done a disservice to them by not requiring English skills better than we have in the past.

I would say we would do a disservice to those we would legalize if we did not require them to make sufficient initial strides toward learning English because other than that we will be fooling ourselves and we will be fooling these individuals.

So those who wish to have some improvement in the legalization program that is in this bill, I would suggest that you might support this amendment; to those who said they could not support my amendment or the Shaw amendment because it allows some vestiges of legalization, you have to recognize this does, but at some point in time you are going to have to screw up the courage and say, "Yes, I am absolutely against it."

The last thing I would say is I did a check and found out 180 Members of this House in the last Congress presented private bills to those of us on the Immigration Subcommittee, thereby suggesting that they felt that legalization was important and appropriate on an individual basis where it involved constituents in their district.

I would suggest to you that what we are doing here is looking at it in a slightly different vein but nonetheless we are looking at it carefully and we are saying with what confronts us today, some form of legalization is appropriate and this amendment I think at least provides a modicum of improvement to the bill before us and I would support it.

□ 1920

Mr. ROYBAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment, if adopted, will be unfair to thousands upon thousands of men and women whose language of the home is Spanish, Italian, Greek, German, and so forth and who some day wish to become not only residents, but citizens of the United States.

In my opinion it discourages these people from seeking legalization. The moment you say to working people throughout this country that unless you start learning English you will not be able to become a legal resident, then there is a reservation in his mind. For it is most difficult for those who work long hours to be able to go to school at night.

I believe that if this amendment is passed, we will be faced with many problems. There is no appeal process in this amendment at all. For an example, the individual who seeks status as a temporary resident and then does not qualify as a permanent resident, does not have the right of an appeal. He cannot appeal to anyone.

It could well be that at the time that he applied for his first status that he was in school. Then some time before he sought permanent status he was enrolled but not attending because of reasons beyond his control. Will the INS exclude him because he might have joined but not attended a school somewhere?

I think that what is lacking here is just the very thing that is necessary and that is an appeal process that should have been part of this amendment, but unfortunately it is not.

Now we have been able to bring into the United States thousands upon thousands of refugees. You just go to Miami for an example. You hear Spanish no matter where you go. But you also see these immigrants from Cuba who came to this country not too long ago who are in business, who compete in the economy, who do very well and they speak English also. But they did it on their own time. They were not denied residence because they didn't learn English and American history within 2 years.

Now we have been told that our parents, for an example, did learn the English language; sure they did. But how long did it take? They did it on their own time and should do the same thing for these people from Western Europe and the Western Hemisphere who will be legalized under this bill.

Under this amendment, if it is not done within a 2-year period that individual does not get the permanent status, simply because he was too old or too tired after working all day to be attending an English and history class.

I see that the gentleman would like to have me yield, I would be happy to.

Mr. WRIGHT. I thank my friend for yielding.

I do not disagree with a lot that the gentleman is saying because I know that he harbors a very strong reservation about the good will and the intent of some of the people in the INS. However, when the gentleman says that my amendment would require that the applicant complete this study or acquire a knowledge of English within 2 years, that is not the intention of the amendment and I do not believe that it would have that effect. Simply that he be engaged in the study, that he be engaged in the study of the English language. Then he qualifies.

Mr. ROYBAL. If the gentleman would permit me, I did not say that he had to complete the course of study within a 2-year period, but that within

that 2-year period he had to show that he was in a class and so forth.

But the main point, Mr. Chairman, is that this amendment is most unfair. It is not imposed on anyone who gets a legal status by the regular process. He is not required to learn English. We do not force, for example, our diplomats who are sent all over the world to learn the languages of those countries. They are well-educated individuals, but still not required to learn the language of that country that they are sent to. And still we are asking these poor people who come to the United States, many of whom are illiterate in their own language, to learn English, know something about American history within 2 years and if they do not they do not become temporary residents of the United States, and cannot possibly appeal their case because this amendment does not provide for an appeal process. That is most unfair.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from New York.

Mr. SCHEUER. I thank the gentleman for yielding.

It is very definitely the policy of the State Department to require Ambassadorial appointees to learn the language of the country to which they are accredited. That includes languages like Japanese and Chinese.

Mr. ROYBAL. May I respond to the gentleman, I have been to Mexico, I have been to Spain, I have been to various countries, our Ambassadors do not speak the language of that country.

The CHAIRMAN. The Chair now recognizes the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Texas offers an amendment of great perception concerning the future of our country. The need is obvious for our society to continue to be a compassionate one and one that encourages immigration. But the encouragement must be one not just to seek the refuge of our shores, but, as well to become a productive part of this great society and to grow with it as an individual.

For too long we have simply said to entering immigrants "Welcome, you're on your own." Yes; we have requirements for becoming citizens, but we have had none for those who wish to make this their home, to live, work, and raise their children in our country. We have thereby contributed to ghettos—societies within our society—which interact only within themselves, but whose inhabitants are not encouraged to learn our English language, understand our economic, political, and governmental systems, or otherwise be participants in the general life

of the Nation. Such a situation is healthy neither for the country nor for the individual.

There is a need for us to gain insight into these kinds of problems from other countries which have dealt with them successfully. One such nation, one that has, more actively than perhaps any other on Earth, sought emigrants with the intention of forging a viable, new society has been the State of Israel. People have come to her shores from all over the world, speaking a variety of different languages, schooled in a variety of different political, monetary, economic, and governmental systems, and with completely different histories. What has Israel done to bring about a cohesive nation? She has required that all who seek entrance to become a part of her society learn the Hebrew language, learn the operation of her government and the political system, understand the workings of her economy and monetary systems, and study her history and customs. All of this has been a formal requirement of entry, administered under a system called ulpan. In many cases the prospective entrant has been kept at a study center until the requirements for entry I have outlined have been mastered and a job secured. Sometimes this process has lasted as long as 6 months. But the advantage for the State and for the individual is obvious and we should allow ourselves to benefit from it.

In 1979 my wife, Kathryn, and I sponsored a Laotian family who had worked for the CIA during the Vietnam war and fled from almost certain death when the Communists overran their country. They lived for almost a year in a Thailand refugee camp before they were admitted to the United States. They stepped off the plane to our welcome and for them this country, its language, customs, history, government, and systems were a complete mystery and we, their hosts, the only source of learning. Such a lack of direction and help for new arrivals strikes me as close to cruelty and even with all we attempted to do could only lead to "K.K." and his family seeking others in a similar situation. Within 6 months they became a part of the Laotian ghetto where English was not spoken and integration with our society was less likely soon to occur—without public education for the children, I would say, unlikely ever to occur.

So, the gentleman's amendment asking simply for some proficiency in our language or a commitment to learn it, together with some study of our country's Government and history, is a very modest effort to address the best interests of the immigrant and the Nation. I, personally, would go a great deal farther and adopt a system similar to that used in Israel. Actually we are proceeding to explore

this approach in working with the INS and other agencies. Now is not the time to adopt such a program broadly, but surely the steps proposed by this amendment are ones in the right direction in addressing what has become and what will continue to be a very serious problem for our country.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from California.

Mr. BERMAN. I thank the gentleman for yielding.

Is it not also correct, however, that under the Israeli law of return neither permanent resident status nor citizen status is in any way contingent on knowledge of Hebrew, learning Hebrew, or meeting any long list as is suggested in this amendment, 33 different criteria before such status is granted?

Mr. PORTER. It is not true.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

There was a member of the Israeli Parliament who could not speak Hebrew. Now there are Members of this body whose grasp of English is shaky.

The gentleman from Texas [Mr. Wilson] is applauding a little too vigorously.

But the fact is there was a member of the Israeli Parliament who in fact could not speak Hebrew. He only lasted one time, but he was in fact a member of the Knesset without being able to speak Hebrew.

He did have a lot of money.

Mr. BERMAN. If the gentleman will allow me, I think if one checks out the State of Israeli law on this subject and the law of return they will see that there is no such requirement as a condition of residence status or citizenship.

Mr. PORTER. I disagree with that. I think that there is. I think the genius of the system is very evident.

● Mr. FAUNTROY. Mr. Chairman, I rise in opposition to amendment No. 48 offered by our distinguished colleague, the majority leader, JIM WRIGHT. This amendment, although offered in good faith and good will, would be unworkable and would have an unfair result. It would place a special burden on those undocumented workers seeking legalization to permanent-resident status, that is not placed on others who are applicants for permanent-resident status. The amendment would require eligible undocumented workers to remain in a temporary status for 1 year. During this year, applicants in an unspecified manner would have to acquire an unspecified level of competency in the

English language. Other applicants for permanent residence are not required to pass such a test. While I favor the acquisition of competency in the English language for all, so that they may compete in our society, I don't think this vehicle is appropriate nor will it accomplish the educational objective desired. There are not enough facilities equipped and accessible to accomplish this. I urge the rejection of this amendment and support for the committee proposal on legalization.●

□ 1930

The CHAIRMAN. All time has expired.

The question is on amendment No. 48 offered by the gentleman from Texas [Mr. WRIGHT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WRIGHT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 170, not voting 16, as follows:

[Roll No. 247]

AYES—247

Albosta	Daub	Jenkins
Alexander	Davis	Johnson
Anderson	Derrick	Jones (OK)
Andrews (NC)	DeWine	Jones (TN)
Anthony	Dickinson	Kaptur
Applegate	Dicks	Kasich
Aspin	Dingell	Kazen
Badham	Donnelly	Kemp
Barnard	Dorgan	Kindness
Bartlett	Dreier	Kolter
Bates	Durbin	Kramer
Bedell	Dwyer	LaFalce
Bennett	Dyson	Lagomarsino
Bereuter	Early	Latta
Bevill	Eckart	Leach
Biaggi	Emerson	Leath
Bilirakis	Erdeich	Lehman (CA)
Bliley	Evans (IA)	Lehman (FL)
Boehlt	Fascell	Levitas
Boggs	Feighan	Lewis (CA)
Boland	Flippo	Lewis (FL)
Boner	Florio	Lipinski
Bonker	Foley	Livingston
Borski	Fowler	Lloyd
Boucher	Franklin	Long (LA)
Breaux	Frenzel	Long (MD)
Britt	Frost	Lott
Brooks	Fuqua	Lowery (CA)
Brown (CO)	Gekas	Lujan
Broyhill	Gibbons	Lundine
Burton (IN)	Gingrich	Lungren
Byron	Glickman	Mack
Campbell	Goodling	MacKay
Carney	Gore	Marlenee
Carper	Gradison	Marriott
Carr	Gregg	Martin (NC)
Chandler	Gunderson	McCandless
Chappell	Hall, Sam	McCollum
Chappie	Hansen (UT)	McDade
Cheney	Harrison	McEwen
Clarke	Hartnett	McKernan
Coats	Hatcher	Mica
Conable	Hefner	Michel
Corcoran	Heftel	Miller (OH)
Coughlin	Hertel	Minish
Courter	Hillis	Moakley
Craig	Holt	Molinar
Crane, Daniel	Horton	Moody
Crane, Philip	Hubbard	Moore
D'Amours	Hughes	Moorhead
Daniel	Hutto	Morrison (WA)
Dannemeyer	Hyde	Murphy
Darden	Ireland	Murtha
Daschle	Jeffords	Myers

Neal	Roth
Nelson	Rowland
Nielson	Rudd
O'Brien	Russo
Obey	Sawyer
Oxley	Schaefer
Packard	Scheuer
Parris	Sharp
Pashayan	Shaw
Pease	Shelby
Penny	Shumway
Perkins	Shuster
Petri	Sikorski
Pickle	Siljander
Porter	Simon
Pritchard	Sisisky
Ratchford	Skelton
Ray	Slattery
Regula	Smith (IA)
Reid	Smith (NE)
Richardson	Smith, Denny
Ridge	Snowe
Ritter	Snyder
Roberts	Spence
Robinson	Spratt
Roe	Staggers
Roemer	Swift
Rogers	Synar
Rose	Tallon

NOES—170

Ackerman	Green	Olin
Addabbo	Guarini	Ortiz
Akaka	Hall (IN)	Ottiger
Andrews (TX)	Hall (OH)	Owens
Annuzio	Hall, Ralph	Panetta
Archer	Hamilton	Patman
Barnes	Hammerschmidt	Patterson
Beilenson	Hance	Paul
Berman	Harkin	Pepper
Bethune	Hayes	Price
Bonior	Hightower	Pursell
Bosco	Hopkins	Quillen
Boxer	Hoyer	Rahall
Broomfield	Huckaby	Rangel
Brown (CA)	Hunter	Rinaldo
Bryant	Jacobs	Rodino
Burton (CA)	Jones (NC)	Rostenkowski
Clay	Kastenmeier	Roukema
Clinger	Kildee	Roybal
Coelho	Kleczka	Sabo
Coleman (MO)	Kogovsek	Savage
Coleman (TX)	Kostmayer	Schneider
Collins	Lantos	Schroeder
Conte	Leland	Seiberling
Conyers	Lent	Shannon
Cooper	Levin	Skeen
Coyne	Levine	Smith (FL)
Crockett	Loeffler	Smith (NJ)
de la Garza	Lowry (WA)	Smith, Robert
Dellums	Luken	Solarz
Dixon	Markey	Solomon
Dowdy	Martin (IL)	St Germain
Downey	Martin (NY)	Stangeland
Duncan	Martinez	Stark
Edgar	Matsui	Stenholm
Edwards (CA)	Mavroules	Stokes
Edwards (OK)	Mazzoli	Stratton
English	McCain	Studds
Erlenborn	McCluskey	Sundquist
Evans (IL)	McCurdy	Torres
Fazio	McGrath	Towns
Ferraro	McHugh	Traxler
Fiedler	McKinney	Udall
Fields	McNulty	Valentine
Fish	Mikulski	Vandergriff
Foglietta	Miller (CA)	Vento
Ford (MI)	Mineta	Vucanovich
Ford (TN)	Mitchell	Waxman
Frank	Mollohan	Weiss
Garcia	Montgomery	Whitten
Gaydos	Morrison (CT)	Wolpe
Gejdenson	Mrazek	Wortley
Gephardt	Natcher	Wyden
Gilman	Nichols	Yates
Gonzalez	Nowak	Young (MO)
Gramm	Oakar	
Gray	Oberstar	

NOT VOTING—16

AuCoin	Hiler	Sensenbrenner
Bateman	Howard	Stump
Dymally	Kennelly	Williams (MT)
Edwards (AL)	Madigan	Wirth
Hansen (ID)	Schulze	
Hawkins	Schumer	

□ 1940

Ms. KAPTUR and Mr. SIKORSKI changed their votes from "no" to "aye."

Mr. LENT changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HILER. Mr. Chairman, I was not recorded on rollcall No. 247. Had I been present, I would have voted "aye."

● Mr. FAUNTROY. Mr. Chairman, I rise in opposition to any and all of the weakening amendments to title III of H.R. 1510. The legalization program in the Committee on the Judiciary bill is the best proposal we have before us in terms of future administration, enforcement of our immigration laws, and it is the fairest proposal.

All of the weakening amendments before us will make legalization much more difficult and will leave large numbers of people who are here in an underground situation which compounds the problems of law enforcement and the maintenance of fair labor practices.

The January 1, 1982, cutoff date for legalization is a reasonable and fair approach. Under this proposal qualified undocumented workers would be able, once they came out in the open, to contribute more fully to our society. Most undocumented workers are dedicated to the work ethic, are productive, and pay taxes. The legalization program contained in H.R. 1510 offers the only possibility before us of bringing this underground and exploitable work force out of the darkness and into the sunshine of our society where they can avail themselves of the protection of our laws. Under this proposal, with the cutoff date of January 1, 1982, the Immigration and Naturalization Service will be able to target its limited enforcement resources on new flows of undocumented workers.

I am also very pleased that H.R. 1510 provides an authorization for the appropriation for such sums as may be necessary in fiscal year 1984-fiscal year 1987 to reimburse States for 100 percent of the cost of public assistance to those eligible under the legalization program.●

● Mr. LUNDINE. Mr. Chairman, the House of Representatives has covered a multitude of issues in our wide ranging debate on immigration. While I have some reservations about particular provisions which have been passed, I am pleased that the House has attempted to come to grips with a critical issue which would have been easy to avoid in an election year.

I am particularly pleased to note that Congress has chosen to include

the Simpson-Mazzoli provision for a waiver of the 2-year residency requirement for foreign engineers in what is shaping up as the final version of the immigration bill. This provision contributes to filling what will be an increasingly pressing demand for engineering talent in the coming years. Our economy is experiencing a period of transition in which is changing the composition of skill demand being demanded by the marketplace. It is essential that American industry and business have the talent it needs so that the United States can remain competitive in a global economy.

The projected shortages in the supply of qualified engineers has been well-documented. In a recent survey conducted by the National Science Foundation, it was found that, while the shortage in engineers and scientists has decreased, there are still less skilled personnel than the market could employ. In fact, 28 percent of the firms surveyed in this report still experienced shortages during the period covered. The primary factor causing the reduction in reported shortages, a decline in job openings, can clearly be attributed to the recent recession which plagued our economy in the 1982-83 period. In fact, when one examines table 1 of the NSF report, the projected demand for the 1983-84 period shows that in computer, electronic, and electrical engineering, demand will be high.

The Bureau of Labor Statistics [BLS] also projects increasing demand for engineers which will strain the high technology job market. BLS regularly looks into the future of various occupations in the widely used Occupational Outlook Quarterly. In the spring 1984 edition of this publication, BLS projects that the demand for engineers will increase by 49 percent over the next decade compared to an average increase of only 22 percent for all professions. This means that we as a nation will need over 580,000 new engineers over and above the 1.2 million we had in 1982. Even when engineering is broken down into various subfields, increased demand for the specialties equals or exceeds the average increase needed for all professions. The BLS category which roughly corresponds to high tech engineers is expected to experience an explosive growth in demand of 69 percent.

While some may argue that this provision allows foreign engineers to take jobs from American workers, the projected demand is high enough that such displacement will in all likelihood not occur. In testimony heard last week before the Science, Research, and Technology Subcommittee, Dr. Delbert Tesar, a graduate research professor of mechanical engineering at the University of Florida, stated that the percentage of engineers who are out of work has never been more than

1.6 percent. Not even considering the double digit unemployment rates of recent years, a rate of 1.6 percent unemployed does not seem to indicate that this is a field where Americans are in danger of being unfairly crowded out of jobs.

If concern exists over crowding out, consider the effect the massive military buildup will have on civilian industries' ability to attract and retain engineers. The defense industry does have to respond to the same market pressures as civilian industries. Top salaries can be paid to attract engineering talent to defense-related employment because defense products are not sold on the general market. Civilian industrial operations, on the other hand, are price sensitive and salary levels are restrained by what consumers will pay for the final products. Defense industries can therefore attract top talent away from civilian industries and also artificially drive up the cost of engineering talent.

When viewed in the broader context of where our economy seems to be going, none of the aforementioned projections should be surprising. The House Task Force on Industrial Innovation and Productivity, which I chair, has come to the same conclusion that future demand for engineers will increase. In testimony from representatives of both the academic and business communities, an understanding has emerged of the changing direction of the world's economy. We are undergoing a second industrial revolution, and technological advances are coming so fast that quantum leaps in the skills of our work force are required. Instead of 10 to 20 years, 10 to 20 months is becoming the necessary timeframe for product obsolescence in some fields. Specialized technical skills such as engineering will be essential to maintaining and increasing the competitiveness of American industries in such a rapidly changing marketplace. We are in a time of economic transition, and this provision can help us to provide the talent necessary to keep American industry in the ballgame.

An immigration problem experienced by one of my constituents demonstrates the perverse consequences which can and do result from current policy. Dr. Pat Hung Chan, a resident of Hong Kong, came to the United States and received his M.A. and Ph.D. in computer science. Fredonia State University hired Dr. Pat after conducting a nationwide search which yielded no takers, American or foreign, willing to accept a professor's salary. Dr. Pat has foregone higher salaries offered in the private sector and instead has chosen to fulfill what he considers a responsibility to educate students. As the only Ph.D. in this school's computer science department, Dr. Pat is critical to the existence of a computer science curriculum at Fredonia. Current

immigration restrictions may force Dr. Pat's return to Hong Kong. If he were forced to leave, Fredonia State University loses its only Ph.D. in computer science and risks losing the school's certification allowing a computer science curriculum. As you can see, the net effect of requiring Dr. Pat's return is simply a denial of educational opportunity for Americans in an area critical to the future of American industry.

For the aforementioned reasons, I am pleased that provision has been made in the Simpson-Mazzoli bill which enables American industry to meet the demands of the future.●

Mr. MAZZOLI. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 5 minutes.

There was no objection.

Mr. MAZZOLI. Mr. Chairman, I would ask the attention of my colleagues in the House, if I could, to talk about the remainder of our program today and for tomorrow.

Let me first salute the House on an excellent job. We have had another long day of debate, but it has been on a very high plane and it has been a very diligent effort on the part of the House to deal with a very tough subject. I personally am extremely proud to be associated with this level of debate. I think we are adding luster to the image of the House, and I think we are crafting a chapter that we can all be very proud of, regardless of our position on the bill.

Let me also salute the gentleman from Kentucky [Mr. NATCHER] who as chairman has just done a superb job. I think it is fair for the gentleman from Kentucky to say that we would not have reached this moment, on the verge of passing a bill, without the gentleman's outstanding leadership.

We have completed our program for today. At the conclusion of my remarks, I will move to rise. We will return to the bill tomorrow in the vicinity of 10 o'clock, and let me tell my colleagues what I hope can be done either by agreement or just by the indulgence of the body.

We will return tomorrow morning. The first amendment is amendment No. 58, which we believe is pretty well agreed to.

The next amendment thereafter is amendment No. 61, which is the amendment of the gentleman from Florida [Mr. McCOLLUM] which is a very important amendment, and that, of course, would strike all that we have done in the section on legalization; a very important amendment.

The gentleman from Florida was on the floor and in an earlier colloquy with the gentleman from Kentucky in-

licated that while he could not necessarily now agree on time limits, he felt that in the range of 2 hours might well circumscribe that debate.

□ 1950

He feels, as we all do, that having discussed much of the question of whether or not there should be legalization in the course of discussing the three formulae, 2 hours could well discharge that debate.

If that is done, then the committee will move to a couple of other intervening amendments which we have generally agreed to or on which we have gotten permission from the authors to withdraw after some discussion.

We then would move to amendment No. 66 offered by my friend, the gentleman from California [Mr. LUNGREN] which is another very important amendment. That deals with the question: Shall we continue the committee formula of reimbursement for the costs of legalization, whatever those costs might be, or do we go the other body's route, which is a block grant formula and which is the administration's request? The gentleman from California, in an earlier colloquy with the gentleman from Kentucky, said that perhaps within a range of 1 hour we might dispose of that amendment. Either by agreement or by the indulgence or patience of the body, we believe that could be done.

Then if we have already dismissed all of the remaining amendments, we would move after that to rise and go back into the House for the votes on final passage.

So I will tell my friends in the committee that we have made remarkable progress. We have patiently and decorously attacked a subject that many thought we could not deal with on this level of decorum and this level of intelligent debate and nonrancorous debate.

Mr. Chairman, I just salute my friends and thank them for their help and their patience, and I am happy to tell them that I believe we can complete our work on tomorrow at a relatively early hour, and I think we can complete it on a note that we will be very proud of.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, is the gentleman saying that amendments Nos. 64 and 67 are pretty much agreed to?

Mr. MAZZOLI. Mr. Chairman, basically speaking, I would remind my friend, the gentleman from Pennsylvania, that all the amendments except for amendments Nos. 61 and 66 are pretty well squared away.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, [Mr. NATCHER], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1510) to revise and reform the Immigration and Nationality Act, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5680, FEDERAL PAY EQUITY AND MANAGEMENT IMPROVEMENT ACT OF 1984

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-846) on the resolution (H. Res. 526) providing for the consideration of the bill (H.R. 5680) to promote pay equity and to eliminate certain discriminatory wage-setting practices within the Federal civil service; to establish a performance management and recognition system; to improve the Senior Executive Service; and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5395, NATIONAL SECURITY AND MILITARY APPLICATIONS OF NUCLEAR ENERGY AUTHORIZATION ACT OF 1985

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-847) on the resolution (H. Res. 527) providing for the consideration of the bill (H.R. 5395) to authorize appropriations for the Department of Energy for national security programs for fiscal year 1985, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5490, CIVIL RIGHTS ACT OF 1984

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-848) on the resolution (H. Res. 528) providing for the consideration of the bill (H.R. 5490) to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5604, MILITARY CONSTRUCTION AUTHORIZATION ACT, 1985

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-849) on the resolution (H. Res. 529) providing for the consideration of the bill (H.R. 5604) to authorize certain construction at military installations for fiscal year 1985, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ASSISTING THE H&RW IRRIGATION DISTRICT, NEBRASKA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nebraska [Mrs. SMITH] is recognized for 5 minutes.

● Mrs. SMITH of Nebraska. Mr. Speaker, on behalf of the H&RW irrigation district, Nebraska, I thank the gentleman from Texas [Mr. KAZEN] and the gentleman from New Mexico [Mr. LUJAN] for expediting consideration of my bill, H.R. 3130, through to final passage by the House of Representatives on June 18, 1984.

My bill would authorize amendments to a repayment and water-service contract between the Bureau of Reclamation and the irrigation project.

Earlier this year, I persuaded Interior Secretary Clark, during his testimony before my Appropriations Subcommittee on Energy and Water Development, to personally intercede in this matter to overcome objections of the Office of Management and Budget to this legislation. As a result, the administration, after nearly 2 years of delay, is now recommending passage of this bill, H.R. 3130, a technical measure of vital importance to this irrigation district in my congressional district in Nebraska. I offer for the record a letter dated March 2, 1984, setting forth the administration's position, written to Chairman UDALL from Deputy Assistant Secretary Harold W. Furman II.

This bill makes it possible to address a contractual injustice being visited upon the people of the H&WR irrigation district, Frenchman unit, Pick-Sloan Missouri Basin development, Nebraska. An identical bill, S. 1428, is pending before the Senate Committee on Energy and Natural Resources.

Enactment of this long-overdue legislation is vital. It is my hope that it is now sufficiently noncontroversial that it can be considered and passed quickly by the other body.

As I have already indicated, H.R. 3130 would authorize amendments to certain repayment and water-service contracts between the Bureau of Rec-

lamation and the H&RW irrigation district.

The problem is that under present contracts, the water users are obligated to repay certain fixed costs in full even though the Federal Government is capable of delivering only about 40 percent of the water it is contractually obligated to provide. The reason is that available water supplies are declining and are expected to continue to do so.

The inflow is expected to be nearly nonexistent by the year 1992 under continued ground water development conditions and other circumstances. The inflow from the Frenchman Creek to Enders Reservoir is irreversibly declining probably for several reasons. One cause is extensive ground water use upstream of Enders Reservoir, which applies the H&RW irrigation district and other districts of the Frenchman-Cambridge unit of the Pick-Sloan Missouri River Basin Program. Other causes may be changes in farming practices, weather patterns, and ground water flow. Consequently, the water supply is declining and thereby reducing the district's ability to meet its repayment, water service, and operation, maintenance, and replacement obligations to the United States under the existing contract.

If the Congress grants this relief, the irrigation district and the United States would be required under a proposed amended contract to continue to cooperatively seek to obtain and develop other sources, including interbasin transfers, that would augment the depleting water supply from Enders Reservoir.

Legislation is necessary to provide the Secretary with authority to execute an amendatory contract as is contemplated upon passage of H.R. 3130 because the Reclamation Project Act of 1939 prohibits amending contracts with terms less advantageous to the United States than the existing ones.

The intent is to amend the existing H&RW contract so as to cancel more than \$73,500 of the water users' total annual payment—\$73,000 in 1983—to the Federal Government for construction, operation, maintenance, and replacement costs. The amended contract would rescind the district's obligation for construction repayment charges as of September 30, 1980, along with any penalty charges applied since that date and establish a water-service charge for water actually delivered.

This is a district irrigating 11,714 acres with revenues totaling less than \$150,000 a year for the Federal water payment, district payroll, and office overhead. The district simply lacks the financial ability to make the full Federal payment and cover other essential expenses.

The existing contract calls for repayment of \$1.5 million of construction

costs of the distribution works over 40 years. Nearly \$300,000 have been repaid. The proposed amended contract would release the water users from their obligation to repay the remaining \$1.2 million and allow the Government to recover this amount eventually from power revenues from Federal generating facilities throughout the Pick-Sloan Missouri Basin Program.

The Bureau of Reclamation has stated in a letter to committee counsel that power rates in the Pick-Sloan Missouri Basin Program would not measurably rise as a result of dedicating power revenues to repay the H&RW irrigation district's \$1.2 million of construction cost. That letter is made a part of the record.

Because of the water user's lack of ability to pay, the Bureau has deferred this payment for the past 2 years and has the power to defer it again. It does not have the authority, however, to lengthen the repayment period beyond the remaining 30 years. Therefore, without H.R. 3130, the district faces an obligation to pay more and more money in less and less time for less and less water. ●

NATHANIEL OWINGS—A GREAT ARCHITECT, A GREAT AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I would like to take this opportunity to say a few words about Nat Owings, who, as my colleagues know, died recently in New Mexico. Nat, one of the world's great architects, planners, and conservationists, was a resident of Big Sur—a constituent and a friend—and his contributions to that area, and to the entire country will live for many years, even centuries.

Nat Owings is unique in that he played a large role in some of the major urban projects in our country as well as preservation of the natural world. In addition, he helped to create other buildings and complexes that are vital to some of our Nation's most significant institutions.

In order to give an idea of the influence of Nat Owings in our country's architectural heritage, I would like to list some of the projects with which Nat was associated as a primary designer or organizer: the reflecting basin in front of the U.S. Capitol, the Air Force Academy, the town and laboratories of Oak Ridge, TN, Lever House and Chase Manhattan Bank headquarters in New York, the John Hancock Center in Chicago, the Oakland Coliseum, the 1933 Chicago World's Fair, the 1939 New York World's Fair, the Terrace Plaza Hotel in Cincinnati, the New York Universi-

ty-Bellevue Medical Center, our Nation's military complex on the island of Okinawa, the Ohio State University Medical Center in Columbus, and the Norton, Crown Zellerbach, and Alcoa buildings in San Francisco.

Here in Washington, DC, we can see the fruits of Nat's work on the redevelopment of this great city. Nat worked for over 20 years to bring about a restoration of Pennsylvania Avenue to the great thoroughfare it should be. Construction there has gone on for several years and will continue for some time. When it is complete, Pennsylvania Avenue will serve not only as a proud center of a great Capital City but also as a monument to Nat Owings' great skills, dedication, and persistence.

In addition to his architectural design and organizing capabilities, Nat played a major role in the preservation of Big Sur in its current pristine state. In 1962, Nat developed the coast master plan for Monterey County. That plan, while modified somewhat by the time it was implemented, served as a model of environmental conservation.

Highway 1, the coastal highway, is a Federal scenic highway due in large part to Nat's work, and the countless people who have traveled up and down the highway and marveled at one of the world's most magnificent coastlines owe to Nat Owings their ability to see it in a virtually undeveloped, natural state. And I might add that Nat worked in the decades following implementation of the coast master plan to continue to preserve Big Sur in that pristine state.

Mr. Speaker, in 1972, Nat wrote, "Our present attitude toward our land ethic is privilege without obligation. It must be otherwise, since only nature has continuity, being immortal." From a great architect, these were important words indeed, and they remain meaningful today.

As we remember Nat Owings, and share in the loss felt by his wife Margaret and the rest of his family, we should remember that he improved our lives immensely by this philosophy. Where development was essential, he helped to create beautiful buildings and made sure that man-made structures harmonized with nature; where development would be harmful, he helped to prevent it. Many of the monuments he left behind him will last for centuries, but it remains to us to continue to carry out his dream. ●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. DONNELLY] is recognized for 5 minutes.

● Mr. DONNELLY. Mr. Speaker, due to the fact that my airplane from

Boston was delayed, I was absent from the House Chamber during the recorded vote of 403-0 in favor of House Concurrent Resolution 294, expressing the sense of Congress concerning non-delivery of international mail in the Soviet Union. Had I been present, I would have voted in strong support of this most timely resolution. In my work for Soviet Jewry, I have become well aware of the systematic disruption of mail service destined for and emanating from the Soviet Union. This practice is in clear violation of treaties governing international mail to which the Soviets are a signatory. House Concurrent Resolution 294 sends a strong message condemning Soviet noncompliance with international mail treaties, and calling for international attention to this matter of grave concern.●

FEDERAL TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LEVINE] is recognized for 5 minutes.

● Mr. LEVINE of California. Mr. Speaker, it is with a great sense of urgency that I join my colleagues in addressing the need for reforming our Federal tax laws. The Federal Income Tax Code is so filled with extraneous tax credits, deductions, and exemptions that most taxpayers cannot even decipher it. Moreover, only the most affluent individuals and corporations can afford to take advantage of the generous tax loopholes built into our existing system. It is no wonder that most Americans agree that the Tax Code must be simplified, and that the income tax burden should be more fairly distributed.

In order to correct the inequities and complications built into the Tax Code, I have joined 50 of my colleagues in the House in supporting H.R. 3271, the Fair Tax Act. This measure proposes a simple progressive tax with three rates: 14 percent, 26 percent, and 30 percent. Over 70 percent of all taxpayers will pay the 14 percent rate. Even the most affluent taxpayers would pay the 30 percent rate, rather than the current 50-percent income tax rate. In lowering overall tax rates and broadening the tax base through elimination of most existing tax loopholes, the Fair Tax Act will ensure a more efficient and equitable tax system.

While the Fair Tax Act would eliminate most deductions, it would retain the fairest deductions and those used by the greatest number of taxpayers, including home mortgage interest, charitable and retirement plan contributions, and local and State taxes. Simplification of the Tax Code will aid both the Government and taxpayers alike in calculating an individual's tax liability. Public Citizen's monthly pub-

lication "People & Taxes" has reported that mathematical errors showed up on 8.7 percent of all 1982 1040 returns. As we retain such complex tax laws and returns, the "tax gap"—the difference between what is collected in taxes and what is owed—will grow beyond its already unacceptable level of over \$80 billion.

I would also point out that the Fair Tax Act has several basic advantages over the several flat tax proposals. Any flat tax proposal violates our progressive tax tradition which recognizes the fairness of taxing individuals at a rate relative to their ability to earn and pay taxes. Consequently, a flat tax measure would shift the tax burden more toward the middle and lower income taxpayer. Under a 10 percent flat tax proposal, for example, a single taxpayer earning \$100,000 would have his tax liability reduced by more than 50 percent, while a married couple earning \$20,000 would receive virtually no tax benefit.

Additionally, unlike the Fair Tax Act, many of the flat tax proposals would reduce tax revenues. At a time when we are faced with a \$200 billion deficit, it would be unconscionable to enact legislation which would further reduce tax revenues for the sake of reducing the tax burden of our most well-to-do citizens.

Regrettably, the Reagan administration's only significant contribution to tax reform has been a program of regressive Federal tax relief. According to the Congressional Budget Office, 19 percent of the 1982 tax cut went to the top 1.6 percent of all households, those earning over \$80,000. Only 8 percent of the tax cut went to the 50 percent of households earning less than \$20,000. Additionally, while the poverty rate increased from 14 percent to 15 percent in 1982, the income tax burden for a family of four living at the poverty line increased 9 percent.

This administration's tax policies have shifted the tax burden to lower- and middle-income earners. It is now up to Congress to enact a more equitable and simplified tax system. American taxpayers have indicated that they support more favorable treatment. Passage of the Fair Tax Act will achieve that goal.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McCain) to revise and extend their remarks and include extraneous material:)

Mrs. SMITH of Nebraska, for 5 minutes, today.

Mr. WALKER, for 60 minutes, today.

Mr. DANNEMEYER, for 60 minutes, on June 21.

Mr. McEWEN, for 60 minutes, on June 21.

Mr. McEWEN, for 60 minutes, on June 26.

Mr. McEWEN, for 60 minutes, on June 27.

Mr. McEWEN, for 60 minutes, on June 28.

(The following Members (at the request of Mr. LEVIN of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DONNELLY, for 5 minutes, today.

Mr. LEVINE of California, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LEVIN of Michigan, before the vote on House Concurrent Resolution 294.

(The following Members (at the request of Mr. McCain) and to include extraneous matter:)

Mr. GILMAN in five instances.

Mr. BROOMFIELD.

Mr. McGRATH in two instances.

Mr. YOUNG of Florida in two instances.

Mr. DAUB.

Mr. ERLBORN.

Mr. LAGOMARSINO.

Mr. GRADISON.

Mr. PHILIP M. CRANE in two instances.

Mr. DEWINE.

Mr. KEMP.

(The following Members (at the request of Mr. LEVIN of Michigan:))

Mr. MARKEY.

Mr. HARRISON.

Mr. PEASE.

Mr. TORRICELLI.

Mr. MORRISON of Connecticut.

Mr. BORSKI.

Mr. TRAXLER.

Mr. DOWNEY of New York.

Mr. FAZIO.

Mr. FRANK.

Ms. FERRARO.

Mr. PANETTA.

Mr. SKELTON.

Mr. ROE.

Mr. VENTO.

Mr. YATRON.

Mr. HERTEL of Michigan.

Mr. SOLARZ.

Mr. OTTINGER.

Mr. ECKART.

Mr. SHANNON.

Mr. ENGLISH.

Mr. LEVITAS.

Mr. SCHEUER.

Mr. GARCIA.

Mr. DARDEN.

Mr. GEPHARDT.

Mr. LANTOS.
Mrs. SCHROEDER.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1149. An act to designate certain national forest system and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System, and for other purposes;

H.R. 3131. An act for the relief of Marina Kunyavsky;

H.R. 3221. An act for the relief of Harvey E. Ward; and

H.R. 4201. An act to provide for the rescheduling of methaqualone into schedule I of the Controlled Substances Act, and for other purposes.

ADJOURNMENT

Mr. WEISS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 20, 1984, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3581. A letter from the Secretary of the Treasury, transmitting a copy of the 1983 audit of the Student Loan Marketing Association, pursuant to HEA, section 439(k) (90 Stat. 2140); to the Committee on Education and Labor.

3582. A letter from the Secretary, Interstate Commerce Commission, transmitting notification of the Commission's determination to extend the time period for action upon the appeal before the Commission in No. 37886S, *Potomac Electric Power Company v. The Baltimore and Ohio Railroad Company*, et al., pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

3583. A letter from the Chairman, Merit Systems Protection Board, transmitting a report on the Board's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

3584. A letter from the Director, Office of Revenue Sharing, Department of the Treasury, transmitting a report on the revenue sharing entitlement amounts for all recipient governments for the current fiscal year (entitlement period 15); to the Committee on Government Operations.

3585. A letter from the Supervisory Copyright Information Specialist, Copyright Office, Library of Congress, transmitting a report on its activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3586. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a report on the Department's study of the adequacy of royalty management for energy and nonenergy minerals on Federal and Indian lands, pursuant to Public Law 97-451, section 303(b); to the Committee on Interior and Insular Affairs.

3587. A letter from the Comptroller General, General Accounting Office, transmitting a certification of the Defense Department's estimate of revenue to be deposited in the Panama Canal Commission Fund, pursuant to Public Law 96-70, section 1302(c)(2); to the Committee on Merchant Marine and Fisheries.

3588. A letter from the Administrator, Environmental Protection Agency, transmitting the annual report on the administration of the ocean dumping permit program, pursuant to Public Law 92-532, section 112 (94 Stat. 2245); to the Committee on Merchant Marine and Fisheries.

3589. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report dated May 1, 1984, from the Chief of Engineers, Department of the Army, on Lake Erie wastewater management study, New York, pursuant to 33 U.S.C. 1258(d)(1) (86 Stat. 829); to the Committee on Public Works and Transportation.

3590. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, together with other pertinent reports, on Jacksonville Harbor (Mill Cove), FL (H. Doc. No. 98-233); to the Committee on Public Works and Transportation and ordered to be printed.

3591. A letter from the Secretary of Commerce, transmitting a report on the status of the Small Business Export Development Assistance Program; to the Committee on Small Business.

3592. A communication: From the President of the United States, transmitting a letter designating Paula Stern as Chairman of the International Trade Commission, pursuant to the act of June 17, 1930, chapter 497, section 330(c)(1) (91 Stat. 367); to the Committee on Ways and Means.

3593. A letter from the Deputy Secretary of Agriculture, transmitting a draft of proposed legislation entitled, "National Forest Recreation Use Fee Act of 1984"; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

3594. A letter from the Deputy U.S. Trade Representative, transmitting the biannual report on the operation and effect of the International Sugar Agreement, pursuant to Public Law 96-236, section 5; Executive Order 12224; jointly, to the Committees on Agriculture and Ways and Means.

3595. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to provide by statute for an Assistant Secretary for Business and Consumer Affairs in the Department of the Treasury; jointly, to the Committees on Banking, Finance and Urban Affairs and Post Office and Civil Service.

3596. A letter from the Joint Chairmen, Acid Precipitation Task Force, transmitting the 1983 annual report of the National Acid Precipitation Assessment Program, pursuant to Public Law 96-294, section 704(e); jointly, to the Committees on Energy and Commerce and Science and Technology.

3597. A letter from the Under Secretary of Energy, transmitting the quarterly report on biomass energy and alcohol fuels for the period between January 1 and March 31,

1984, pursuant to Public Law 96-294, section 218(a); jointly, to the Committees on Agriculture, Energy and Commerce, and Science and Technology.

3598. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's 1983 annual report, pursuant to Public Law 93-633, section 305; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUGHES: Committee on the Judiciary. H.R. 4901. A bill to amend the Controlled Substances Act, the Controlled Substances Import and Export Act, and the Tariff Act of 1930 to improve forfeiture provisions and strengthen penalties for controlled substances offenses, and for other purposes; with an amendment (Rept. No. 98-845, Pt. I). Ordered to be printed.

Mr. BEILENSON: Committee on Rules. House Resolution 526. Resolution providing for the consideration of H.R. 5680, a bill to promote pay equity and to eliminate certain discriminatory wage-setting practices within the Federal civil service; to establish a performance management and recognition system; to improve the Senior Executive Service; and for other purposes (Rept. No. 98-846). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 527. Resolution providing for the consideration of H.R. 5395, a bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1985, and for other purposes (Rept. No. 98-847). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 528. Resolution providing for the consideration of H.R. 5490, a bill to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964 (Rept. No. 98-848). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 529. Resolution providing for the consideration of H.R. 5604, a bill to authorize certain construction at military installations for fiscal year 1985, and for other purposes (Rept. No. 98-849). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Carolina (for himself, Mr. PERKINS, and Mr. PETRI):

H.R. 5885. A bill to authorize appropriations for Head Start, Follow Through, and Native American Programs, to establish a program to provide child care information and referral services, and for other purposes; to the Committee on Education and Labor.

By Mr. HAWKINS (for himself, and Mr. FRENZEL):

H.R. 5886. A bill to authorize appropriations for the American Folklife Center for fiscal years 1985 and 1986; to the Committee on House Administration.

By Mr. BILIRAKIS (for himself and Mr. ROYBAL):

H.R. 5887. A bill to promote the establishment of family support groups for families of victims of Alzheimer's disease or a related memory disorder; to the Committee on Energy and Commerce.

H.R. 5888. A bill to provide for medicare demonstration projects for alternative medicare benefits for individuals with Alzheimer's disease or a related memory disorder; jointly to the Committee on Ways and Means and Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 5889. A bill to amend section 1086 of title 10, United States Code, to delete the provision which excludes persons entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act from eligibility for health benefits under such section; to the Committee on Armed Services.

Mrs. HALL of Indiana (for herself, Mr. COURTER, Mr. O'NEILL, Mr. KEMP, Mr. WRIGHT, Mr. MICHEL, Mr. FOLEY, Mr. GRAY, Mr. CONYERS, Mr. FAUNTROY, Mr. HOYER, Mr. DELLUMS, Mr. DIXON, Mr. RANGEL, Mr. NOWAK, Mr. KOGOVSEK, Mr. HORTON, Mr. RATCHFORD, Mr. FASCELL, Mr. REGULA, Mr. GLICKMAN, Mr. FRANK, Mr. BONER of Tennessee, Ms. KAPTUR, Mrs. KENNELLY, Mrs. JOHNSON, Mr. WIRTH, Mrs. COLLINS, Mr. MITCHELL, Mr. AKAKA, Mrs. BURTON of California, Mr. OTTINGER, Mr. DYMALLY, Mr. ROE, Mr. SCHEUER, Mr. ADDABBO, Mr. SAVAGE, Mrs. SCHNEIDER, Mr. STOKES, Mr. OWENS, Mr. DERRICK, Ms. OKAR, Mr. MOODY, Ms. MIKULSKI, Mr. MARKEY, Mr. BERMAN, Mr. FUQUA, Mr. RICHARDSON, Mr. KILDEE, Mrs. BOGGS, Mr. BONIOR of Michigan, Mrs. SCHROEDER, Mr. YATES, Mr. FAZIO, Mr. STUDDS, Mr. GREEN, Mr. LONG of Louisiana, Mr. BATES, Mr. ANDREWS of Texas, Mr. TALLON, Mr. HUGHES, Mr. WAXMAN, Mr. ACKERMAN, Mr. SHANNON, Mr. RAHALL, Mr. FOGLIETTA, Mr. LOWRY of Washington, Mr. DAUB, Mr. MORRISON of Connecticut, Mr. WEISS, and Mr. EVANS of Illinois):

H.R. 5890. A bill to establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.; to the Committee on Post Office and Civil Service.

By Mr. SEIBERLING (by request):

H.R. 5891. A bill to amend chapter 402 of title 18, United States Code, to provide relief from collateral results of convictions of certain first offenses by youth offenders; to the Committee on the Judiciary.

By Mr. SOLARZ:

H.R. 5892. A bill to amend title XVIII of the Social Security Act to include dental care, eye care, dentures, eyeglasses, and hearing aids among the benefits provided by the insurance program established by part B of such title, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. WOLPE (for himself, Mr. SYNAR, Mr. TAUKE, Mr. COUGHLIN, Mr. AKAKA, Mr. BROWN of California, Mr. CROCKETT, Mr. DICKS, Mr. EDWARDS of California, Mr. GILMAN,

Mr. KASTENMEIER, Mr. LIVINGSTON, Mr. MATSUI, Mr. MITCHELL, Mr. MOODY, Mr. PANETTA, Mr. RICHARDSON, Mrs. SCHNEIDER, Mr. SLATTERY, Mr. VANDER JAGT, and Mr. BETHUNE):

H.R. 5893. A bill imposing certain limitations on the United States Synthetic Fuels Corporation, and for other purposes; jointly, to the Committees on Appropriations; Banking, Finance and Urban Affairs; Energy and Commerce; and Science and Technology.

By Mr. YOUNG of Florida:

H.R. 5894. A bill to extend the period allowed for rollover of gain on the sale of principal residence under section 1034 of the Internal Revenue Code of 1954 in the case of members of the Armed Forces who are stationed outside the United States or are required to reside in Government quarters; to the Committee on Ways and Means.

By Mr. KEMP (for himself and Mrs. BOGGS):

H.J. Res. 597. Joint resolution to designate the week beginning September 2, 1984 as "Youth of America Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself, Mr. GILMAN, Mr. LEVINE of California, Mr. HYDE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. FOGLIETTA, Mr. TORRICELLI, Mr. PRITCHARD, Mr. LENT, Mr. MOORE, Mr. SOLOMON, Mr. MICA, and Mr. DYMALLY):

H. Con. Res. 322. Concurrent resolution to express the sense of the Congress regarding Americans missing in Southeast Asia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Colorado:

H.R. 5895. A bill for the relief of Larry Land, Marie Land, Brian Land, Keith Land, Patricia Vandenberg, Lorri Vandenberg, James W. Land, Lois Land, Tamra Lee Land, Sandra Gay Land, Vincent James Land, Viola Hollenbaugh, William L. Phinney, Senior, Emily V. Phinney, Lora Phinney, and William L. Phinney, Jr.; to the Committee on the Judiciary.

By Mr. LOWERY of California:

H.R. 5896. A bill for the relief of Jean Willrich; to the Committee on the Judiciary.

By Mr. SPENCE:

H.R. 5897. A bill for the relief of Reina Estela Olvera; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of Rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 425: Mr. BEILSON, Mr. STUDDS, Mr. CROCKETT, Mr. HAWKINS, and Mr. MORRISON of Connecticut.

H.R. 1250: Mr. WOLPE.

H.R. 2715: Mr. NELSON of Florida.

H.R. 2729: Mr. PEASE and Mr. NELSON of Utah.

H.R. 2996: Mr. CHENEY, Mr. STOKES, Mr. RATCHFORD, Mr. WEISS, Mr. CORCORAN, Mr. PASHAYAN, and Mr. DANIEL.

H.R. 3039: Mr. BRITT.

H.R. 3239: Mr. LENT.

H.R. 3277: Mr. ACKERMAN.

H.R. 3400: Mr. BOSCO, Mr. SAVAGE, Mr. DWYER of New Jersey, Mr. ROE, Mr. DYSON, Mr. FORD of Tennessee, and Mr. SMITH of New Jersey.

H.R. 3434: Mr. FIELDS.

H.R. 3905: Mr. FRANK, Mr. HAYES, Mr. YATES, and Mr. LEHMAN of Florida.

H.R. 4111: Mr. RINALDO.

H.R. 4272: Mr. BEREUTER and Mr. KASTENMEIER.

H.R. 4273: Mr. BEREUTER, Mr. SUNDQUIST, Mr. HILLIS, and Mr. KASTENMEIER.

H.R. 4356: Mr. FISH, Mr. LONG of Louisiana, Mr. BEILSON, Mr. SOLARZ, and Mr. MARKEY.

H.R. 4429: Mr. KINDNESS, Mr. LAGOMARSINO, Mr. ROBERTS, and Mr. WHITEHURST.

H.R. 4559: Mr. GRAY, Mr. GORE, and Mr. WILLIAMS of Montana.

H.R. 4571: Mr. DERRICK.

H.R. 4639: Mr. NOWAK, Mr. RAHALL, Mr. MARTINEZ, Mr. FAZIO, Mr. RANGEL, Mr. LEVINE of California, Mr. KOSTMAYER, Mr. GUARINI, Mr. HAWKINS, Mr. MATSUI, and Mr. WORTLEY.

H.R. 4711: Mr. LUNDINE, Mr. GUARINI, Mr. BOUCHER, Mr. MORRISON of Connecticut, Mr. FRANK, Mr. RICHARDSON, and Mr. MOAKLEY.

H.R. 4800: Mr. SHANNON.

H.R. 4876: Mr. ACKERMAN.

H.R. 4966: Mr. HOYER.

H.R. 5023: Mrs. BOXER, Mr. LEATH of Texas, and Mr. KASICH.

H.R. 5098: Mrs. BURTON of California, Mr. MAVROULES, Mr. LEVINE of California, and Mr. OWENS.

H.R. 5110: Mr. WHITEHURST, Mr. HORTON, Mr. BEDELL, Mr. SKELTON, Mr. WHEAT, Ms. SNOWE, Ms. KAPTUR, Mr. LENT, Mr. ROGERS, and Mr. McGRATH.

H.R. 5374: Mr. MITCHELL.

H.R. 5377: Mr. DURBIN, Mr. GORE, and Mr. JACOBS.

H.R. 5422: Mr. STRATTON and Mr. SOLOMON.

H.R. 5423: Mr. MARTINEZ.

H.R. 5446: Mr. LEWIS of Florida, Mr. MACKEY, Mr. FASCELL, Mr. PEPPER, Mr. SHAW, Mr. BILIRAKIS, Mr. MACK, Mr. GIBBONS, Mr. SMITH of Florida, and Mr. LEHMAN of Florida.

H.R. 5534: Mr. FISH.

H.R. 5621: Mr. WON PAT, Mr. CROCKETT, and Mr. WILLIAMS of Montana.

H.R. 5640: Mr. MAVROULES.

H.R. 5647: Mr. STOKES, Mr. FRANK, Mr. MITCHELL, Mr. FORD of Michigan, Mr. EVANS of Illinois, Mr. KOLTER, and Mr. LUKE.

H.R. 5664: Mr. ANNUNZIO, Mr. MARTINEZ, and Mr. MITCHELL.

H.R. 5674: Mr. JONES of North Carolina, Mr. HUBBARD, Mr. BREAUX, and Mr. TAUZIN.

H.R. 5730: Ms. MIKULSKI.

H.R. 5754: Mr. GOODLING and Mr. HARRISON.

H.R. 5761: Mr. BLILEY, Mr. GEKAS, and Mrs. JOHNSON.

H.R. 5762: Mr. LaFALCE, Mr. SMITH of Florida, Mr. McHUGH, Mrs. JOHNSON, Mrs. HOLT, Mr. McGRATH, Mr. BADHAM, Mr. ROYBAL, Mr. STUDDS, Mr. REID, Mr. WALGREN, Mr. SCHEUER, Mr. KOSTMAYER, Mr. KOLTER, Mr. FLORIO, and Mr. STARK.

H.R. 5791: Mr. MURTHA.

H.R. 5835: Mr. RATCHFORD, Mr. ANTHONY, Mrs. BURTON of California, Mr. TAUZIN, Mr. FRANK, Mr. BEILSON, Mr. BOGGS, Mr. WHEAT, Mr. GARCIA, Mr. HOWARD, Mr. CONYERS, Mr. MINETA, Mr. MAVROULES, Mr. WOLPE, Mr. RANGEL, Mr. NICHOLS, Mr. PURSELL, Mr. LONG of Maryland, Mr. BROWN of California, Mr. LELAND, Mr. DASCHLE, Mr. HOYER, Mr. TORRES, Mr. DELLUMS, Mr. PANETTA, Mr. KASTENMEIER, and Mr. MINISH.

H.R. 5845: Mr. ALEXANDER, Mr. ANDREWS of North Carolina, Mr. BOUCHER, Mr. BRITT, Mr. CHAPPIE, Mr. CORRADA, Mr. D'AMOURS, Mr. DARDEN, Mr. DE LA GARZA, Mr. DOWDY of Mississippi, Mr. DUNCAN, Mr. EVANS of Illinois, Mr. FLIPPO, Mr. GRAMM, Mr. HAMILTON, Mr. HYDE, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. MCCLOSKEY, Mr. MCCURDY, Mr. NICHOLS, Mr. PEPPER, Mr. QUILLEN, Mr. REID, Mr. ROE, Mr. SOLOMON, Mr. TALLON, Mr. VANDERGRIF, Mr. WISE, and Mr. WOLF.

H.R. 5884: Mr. BROWN of Colorado.

H.J. Res. 174: Mr. WIRTH, Mr. KILDEE, Mr. CAMPBELL, Mr. STENHOLM, Mr. CARR, Mr. STRATTON, Mr. MARTINEZ, Mr. PASHAYAN, Mr. MICHEL, Mr. MCCLOSKEY, Ms. SNOWE, Mr. CONTE, Mr. MCGRATH, Mr. MOLINARI, Mr. GREEN, Mr. GILMAN, Mr. MCHUGH, Mr. MCDADE, Mr. COLEMAN of Texas, Mr. OLIN, Mr. HALL of Ohio, Mr. TAUZIN, Mr. LUKE, Mr. MADIGAN, Mr. LIVINGSTON, Mr. BOEHLERT, Mr. DEWINE, Mr. MOORE, Mr. PRITCHARD, and Ms. MIKULSKI.

H.J. Res. 243: Mr. SHAW, Mr. SMITH of New Jersey, and Mr. WOLF.

H.J. Res. 332: Mr. CRAIG, Mr. PAUL, Mr. WAXMAN, and Mr. GORE.

H.J. Res. 482: Mr. DARDEN, Mr. BREAUX, Mr. ROBINSON, Mr. BONIOR of Michigan, Mr. HOWARD, Mr. LOWRY of Washington, Mr. HARRISON, Mr. SIKORSKI, Mr. ALBOSTA, Mr. CORCORAN, Mr. TORRICELLI, and Mr. YATRON.

H.J. Res. 491: Mr. DANNEMEYER.

H.J. Res. 505: Mr. ANTHONY, Mr. APPLE-GATE, Mr. BORSKI, Mr. CARPER, Mrs. COLLINS, Mr. KOLTER, Mr. LIVINGSTON, Mr. MCCLOSKEY, Mr. McNULTY, Mr. MARTINEZ, Mr. MILLER of California, Mr. MITCHELL, Mr. MOAKLEY, Mr. MURPHY, Mr. NEAL, Mr. OBERSTAR, Mr. PATMAN, Mr. PRICE, Mr. RODINO, Mrs. ROUKEMA, Mr. ROYBAL, Mr. SCHUMER, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Iowa, Mr. SPRATT, Mr. SUNIA, Mr. TALLON, Mr. TAUKE, Mr. WALGREN, Mr. WEAVER, Mr. WILLIAMS of Ohio, and Mr. WINN.

H.J. Res. 508: Mr. ERDREICH, Mr. FISH, Mrs. HALL of Indiana, Mr. HORTON, Mr. LOTT, Mr. PANETTA, Mrs. SCHNEIDER, Mr. SOLOMON, and Mr. LANTOS.

H.J. Res. 512: Ms. OKAR, Mr. BROWN of California, Mr. EMERSON, Mr. EDWARDS of Alabama, Mr. SCHEUER, Mr. MRAZEK, and Mr. LEVITAS.

H.J. Res. 546: Mr. RICHARDSON, Mr. PRITCHARD, Mr. BORSKI, Mr. WHITLEY, Mr. RITTER, Mr. ACKERMAN, Mr. ANDERSON, Mr. BONER of Tennessee, Mr. LUNGREN, Mr. BREAUX, Mr. FOGLIETTA, Mr. FAUNTROY, Mr. LATTI, Mr. LEACH of Iowa, Mr. LEHMAN of Florida, Mr. LEWIS of California, Mr. MCDADE, Mr. McNULTY, Mr. MARRIOTT, Mr. MARTIN of New York, Mr. MARTIN of North Carolina, Mr. MURPHY, and Mrs. BURTON of California.

H.J. Res. 555: Mr. OXLEY, Mr. HUGHES, Mr. BROWN of California, Mr. FLIPPO, Mr. WILSON, Mr. HAWKINS, Mr. MCGRATH, Mr. MATSUI, Mr. MINETA, Mrs. LLOYD, Mr. TALLON, Mr. RALPH M. HALL, Mr. STENHOLM, Mr. LANTOS, Mr. DANIEL, Mr. HAMMER-SCHMIDT, Mr. BADHAM, Mr. HARKIN, Mr. LOWERY of California, Mr. SMITH of Florida, Mr. YOUNG of Missouri, Mr. WAXMAN, Mr. SKELTON, Mr. WHEAT, Mr. BOLAND, Mr. RANGEL, Mr. CLAY, Mr. BARNES, Mr. O'BRIEN, Mr. BLILEY, Mr. BONER of Tennessee, Mr. DURBIN, Mr. KRAMER, Mr. DE LUCA, Mr. CORRADA, Mr. CHAPPIE, Mr. LUNDINE, Mr. ANTHONY, Mr. ANDERSON, Mr. DARDEN, Mr. COUGHLIN, Mr. BROOKS, Mr. HORTON, and Mr. LEWIS of Florida. Mr. BOUCHER, Mr. RUDD,

Mr. TORRES, Mr. REID, Mr. BATEMAN, Mr. WALKER, Mr. SIKORSKI, Mr. DERRICK, Mr. EDWARDS of Alabama, Mr. FORD of Michigan, Mr. FISH, and Mr. TORRICELLI.

H.J. Res. 560: Mr. WORTLEY, Ms. KAPTUR, Mr. MARKEY, Mr. PATTERSON, Mr. DANIEL B. CRANE, Mr. KLECZKA, Mr. MATSUI, Mr. ANNUNZIO, Mr. LELAND, Mr. ADDABBO, Mr. NOWAK, Mr. BEILENSON, Mr. WALGREN, Mrs. JOHNSON, Mr. CORCORAN, Mr. VOLKMER, Mr. LEVIN of Michigan, Mr. FRANK, Mr. BORSKI, Mr. PANETTA, Mr. FROST, Mr. TORRICELLI, Mr. KINDNESS, Mr. LANTOS, Mr. RANGEL, Mr. SCHUMER, Mr. ROE, Mr. FAZIO, Mr. LEVINE of California, Mr. WON PAT, Mr. DEWINE, Mr. DAUB, Mr. LAGOMARSINO, Mr. FRENZEL, Mr. FLORIO, Mr. MADIGAN, Mr. BERMAN, Mr. STOKES, Mr. MCGRATH, Mr. SOLARZ, Mr. SIMON, Mr. RUSSO, Mr. HYDE, Mr. WEAVER, Mr. MOLLOHAN, Mr. HOWARD, Mr. PORTER, Mr. BIAGGI, Mr. SMITH of Florida, Mr. MINETA, Mr. CORRADA, Mr. BRYANT, Mr. HERTEL of Michigan, Mr. DWYER of New Jersey, Mr. SPRATT, Mr. KOLTER, Mr. OTTINGER, Mr. RICHARDSON, Ms. FERRARO, Mr. MARTINEZ, Mr. BOLAND, Mr. KOSTMAYER, Mr. BONIOR of Michigan, Mr. FISH, Mr. HUGHES, Mrs. KENNELLY, Mr. LIPINSKI, Mr. AKAKA, Mr. BEDELL, Mr. GREEN, Mr. DINGELL, Mr. O'BRIEN, Mr. GRADISON, Mr. WHEAT, Mr. REID, Mr. MCHUGH, Mr. SKELTON, Mr. VENTO, Mr. LEHMAN of California, Mr. BRITT, Mr. SISISKY, Mr. SAWYER, Mr. HORTON, Mr. FAUNTROY, Mr. DURBIN, Mrs. BOXER, Mr. BADHAM, and Ms. OKAR.

H.J. Res. 587: Mr. SKELTON, Mr. DEWINE, Mr. FAZIO, Mr. AKAKA, Mr. MINETA, Mr. KOLTER, Mr. SMITH of Florida, Mr. ROWLAND, Mr. LEVIN of Michigan, Mr. MOLLOHAN, Mr. REID, and Ms. MIKULSKI.

H.J. Res. 591: Mr. FRANK, Mr. O'BRIEN, Mr. WOLF, Mr. YOUNG of Alaska, Mr. WORTLEY, Mr. ROE, Mr. MILLER of California, Mr. McEWEN, Mr. YATRON, Mr. SOLARZ, Ms. KAPTUR, Mr. RICHARDSON, Mr. SMITH of New Jersey, Mr. FORD of Tennessee, Mr. MORRISON of Connecticut, Mr. DURBIN, Mr. LELAND, Mr. RANGEL, Mrs. BOXER, Mr. RAHALL, Mr. KINDNESS, Mr. WIRTH, Mr. PORTER, Mr. BARNES, Mr. ROE, Mr. THOMAS of California, and Mr. WEISS.

H. Con. Res. 268: Mr. SOLARZ and Mr. FASCELL.

H. Con. Res. 301: Mr. MACKEY, Mr. LUNDINE, Mr. WILSON, Mr. REID, and Mr. EDWARDS of Oklahoma.

H. Con. Res. 312: Mrs. MARTIN of Illinois, Mr. BADHAM, and Mr. LUNDINE.

H. Con. Res. 315: Mr. BADHAM, Mr. BERMAN, Mr. BETHUNE, Mr. BROYHILL, Mr. EDWARDS of California, Mr. LUKE, Mr. MACKEY, Ms. MIKULSKI, Mr. MINETA, Mr. MRAZEK, Mr. WILLIAMS of Montana, and Mr. YOUNG of Florida.

H. Res. 100: Mr. DENNY SMITH.

H. Res. 430: Mr. HAMILTON, Mrs. JOHNSON, Mr. LEHMAN of Florida, Mr. MILLER of California, Mr. RAHALL, Mr. ROE, Mr. SHANNON, Mr. SMITH of Florida, Mr. TORRICELLI, and Mr. WILLIAMS of Montana.

H. Res. 518: Mr. THOMAS of California and Mr. LOEFFLER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5835: Mr. FORD of Michigan.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

386. By the SPEAKER: Petition of the Episcopal Diocese of Central New York, Syracuse, NY, relative to lost, missing, and stolen children; to the Committee on Education and Labor.

387. Also, petition of the U.S. Olympic Committee, relative to title IX of the Higher Education Act; to the Committee on Education and Labor.

388. Also, petition of the Essex County Board of Chosen Freeholders, Newark, NJ, relative to cable legislation; to the Committee on Energy and Commerce.

389. Also, petition of the Episcopal Diocese of Central New York, Syracuse, NY, relative to the establishment of the U.S. Academy of Peace; jointly, to the Committees on Foreign Affairs and Education and Labor.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5580

By Mr. ANDREWS of Texas:

—Page 16, insert after line 6 the following:

TITLE III—VOLUNTARY ORGAN TRANSPORTATION

SEC. 301. Any person who engages voluntarily in the transportation in interstate commerce of a human organ for the purpose of assisting a recipient of a human organ transplantation shall not be liable under any State law for injury, harm, or death to such recipient, the donor of the human organ, or the heirs, successors, or assigns of the recipient or donor resulting from direct or indirect damage to the human organ while being transported by such person unless the damage is the result of the gross negligence of such person. As used in this section, the term "human organ" has the meaning prescribed for it by section 201(c)(1) of this Act.

H.R. 5604

By Mr. HOWARD:

—Page 8, line 15, strike out "\$101,076,000" and insert in lieu thereof "\$105,876,000".

—Page 40, line 9, strike out "\$3,133,974,000" and insert in lieu thereof "\$3,138,774,000".

—Page 44, line 6, strike out "\$160,053,000" and insert in lieu thereof "\$164,853,000".

H.R. 5798

By Mr. LUNGREN:

—Page 18, strike out lines 16 through 23 and insert in lieu thereof the following: "\$2,230,228,000, of which (1) not to exceed \$86,814,000 shall remain available until expended for construction of additional projects as authorized by law at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

"New Construction:"

By Mr. NELSON of Florida:

—Page 28, line 5, strike out "\$1,170,000" and insert in lieu thereof "\$750,000".

—Page 28, line 5, strike out "\$1,170,000" and insert in lieu thereof "\$1,022,900".